

# **MEETING OF THE PARLIAMENT**

Thursday 25 January 2001

Volume 10 No 6

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2001.

Applications for reproduction should be made in writing to the Copyright Unit,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate  
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The  
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now  
trading as The Stationery Office Ltd, which is responsible for printing and publishing  
Scottish Parliamentary Corporate Body publications.

---

## CONTENTS

Thursday 25 January 2001

### Debates

	Col.
<b>ROADS</b> .....	567
<i>Motion moved—[Bruce Crawford].</i>	
<i>Amendment moved—[Sarah Boyack].</i>	
<i>Amendment to amendment moved—[Mr Murray Tosh].</i>	
Bruce Crawford (Mid Scotland and Fife) (SNP) .....	567
The Minister for Transport (Sarah Boyack) .....	571
Mr Murray Tosh (South of Scotland) (Con) .....	575
Iain Smith (North-East Fife) (LD) .....	577
Mr Andy Kerr (East Kilbride) (Lab) .....	579
Shona Robison (North-East Scotland) (SNP) .....	581
Tommy Sheridan (Glasgow) (SSP) .....	584
Mr David Davidson (North-East Scotland) (Con) .....	586
Fiona McLeod (West of Scotland) (SNP) .....	588
Kate MacLean (Dundee West) (Lab) .....	589
Euan Robson (Roxburgh and Berwickshire) (LD) .....	590
Alex Neil (Central Scotland) (SNP) .....	591
Donald Gorrie (Central Scotland) (LD) .....	592
Phil Gallie (South of Scotland) (Con) .....	593
Sarah Boyack .....	594
Mr Kenneth Gibson (Glasgow) (SNP) .....	597
<b>PERSONAL CARE FOR THE ELDERLY</b> .....	602
<i>Motion moved—[Nicola Sturgeon].</i>	
<i>Amendment moved—[Dr Richard Simpson].</i>	
<i>Amendment moved—[Tommy Sheridan].</i>	
Nicola Sturgeon (Glasgow) (SNP) .....	602
Dr Richard Simpson (Ochil) (Lab) .....	606
The Minister for Health and Community Care (Susan Deacon) .....	608
Mary Scanlon (Highlands and Islands) (Con) .....	610
Mr Keith Raffan (Mid Scotland and Fife) (LD) .....	612
Christine Grahame (South of Scotland) (SNP) .....	614
Mrs Margaret Smith (Edinburgh West) (LD) .....	615
Margaret Jamieson (Kilmarnock and Loudoun) (Lab) .....	617
Mr Duncan Hamilton (Highlands and Islands) (SNP) .....	618
Bill Aitken (Glasgow) (Con) .....	620
Ms Sandra White (Glasgow) (SNP) .....	621
Donald Gorrie (Central Scotland) (LD) .....	622
Ms Margo MacDonald (Lothians) (SNP) .....	623
George Lyon (Argyll and Bute) (LD) .....	624
David McLetchie (Lothians) (Con) .....	625
The Deputy Minister for Health and Community Care (Malcolm Chisholm) .....	627
Tommy Sheridan (Glasgow) (SSP) .....	629
Shona Robison (North-East Scotland) (SNP) .....	631
<b>BUSINESS MOTION</b> .....	634
<i>Motion moved—[Tavish Scott]—and agreed to.</i>	
<b>QUESTION TIME</b> .....	636
<b>FIRST MINISTER'S QUESTION TIME</b> .....	652
<b>BUDGET (SCOTLAND) (No 2) BILL: STAGE 1</b> .....	659
<i>Motion moved—[Angus MacKay].</i>	
The Minister for Finance and Local Government (Angus MacKay) .....	659
Andrew Wilson (Central Scotland) (SNP) .....	662
Mr David Davidson (North-East Scotland) (Con) .....	666
Donald Gorrie (Central Scotland) (LD) .....	668
Mike Watson (Glasgow Cathcart) (Lab) .....	670

Mr Kenneth Gibson (Glasgow) (SNP) .....	672
Mr Keith Harding (Mid Scotland and Fife) (Con) .....	674
George Lyon (Argyll and Bute) (LD) .....	675
Mr Duncan Hamilton (Highlands and Islands) (SNP) .....	678
Elaine Thomson (Aberdeen North) (Lab) .....	681
Brian Adam (North-East Scotland) (SNP) .....	683
Iain Smith (North-East Fife) (LD) .....	684
Miss Annabel Goldie (West of Scotland) (Con) .....	685
Mr Adam Ingram (South of Scotland) (SNP) .....	686
The Deputy Minister for Finance and Local Government (Peter Peacock) .....	687
<b>POINTS OF ORDER</b> .....	691
<b>PERSONAL CARE FOR THE ELDERLY</b> .....	695
<i>Statement—[Mr Tom McCabe].</i>	
The Minister for Parliament (Mr Tom McCabe) .....	695
<b>DECISION TIME</b> .....	699
<b>POINTS OF ORDER</b> .....	712
<b>ROBERT BURNS</b> .....	713
<i>Motion debated—[David Mundell].</i>	
David Mundell (South of Scotland) (Con) .....	713
Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab) .....	715
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP) .....	717
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD) .....	718
Phil Gallie (South of Scotland) (Con) .....	720
Dorothy-Grace Elder (Glasgow) (SNP) .....	721
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD) .....	722
Dr Elaine Murray (Dumfries) (Lab) .....	724
Dr Winnie Ewing (Highlands and Islands) (SNP) .....	725
Cathy Peattie (Falkirk East) (Lab) .....	726
The Deputy Minister for Sport and Culture (Allan Wilson) .....	728

## Oral Answers

**Col.**

### **QUESTION TIME**

<b>SCOTTISH EXECUTIVE</b> .....	636
Adoption .....	642
Caledonian MacBrayne (Meetings) .....	645
Disability Rights Commission (Meetings) .....	637
Minister for Health and Community Care (Meetings) .....	643
Mobile Telephone Masts .....	639
Paper Industry .....	636
Police (Race Relations) .....	641
Roads (Signposting) .....	648
Scottish Berry Project .....	647
Timber Transportation .....	639
Transport (Aberdeen) .....	649
Young Disabled People .....	638

### **FIRST MINISTER'S QUESTION TIME**

<b>SCOTTISH EXECUTIVE</b> .....	652
Business (Transport Links) .....	656
Expenditure Commitments .....	657
Scottish Executive Priorities .....	652
Secretary of State for Scotland (Meetings) .....	654

## Scottish Parliament

Thursday 25 January 2001

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 09:30*]

### Roads

**The Deputy Presiding Officer (Mr George Reid):** Good morning. The first item of business this morning is a Scottish National Party debate on motion S1M-1584, in the name of Bruce Crawford, on roads in Scotland, and two amendments.

**Tommy Sheridan (Glasgow) (SSP):** On a point of order, Presiding Officer. It may just be due to the late receipt of amendments, but I notice in the business bulletin that no amendments to motion S1M-1589 have been accepted. I submitted timeously an amendment to that motion, and I seek guidance on whether it has been accepted.

**The Deputy Presiding Officer:** The key to the issue is five paragraphs up from the bottom of page 2 of the business bulletin:

"The Presiding Officer has yet to select any amendments to motion S1M-1589."

**Tommy Sheridan:** When will an announcement be made on the amendments that have been selected?

**The Deputy Presiding Officer:** There will be an announcement later in the day.

I call Bruce Crawford to speak to and move the motion. You have 10 minutes.

09:31

**Bruce Crawford (Mid Scotland and Fife) (SNP):** The purpose of the SNP motion today is simple and straightforward. We are concerned that the Labour Minister for Transport is embarked upon an irreversible decision-making process that is unfair and unjust. She is set on a course of action that will have a seriously damaging impact on Scotland's capacity to maintain its trunk and local roads to a satisfactory standard, and on its ability to continue with a safe and reliable winter maintenance service. That view is supported widely in the chamber and across the political divides. Today, we ask members to support our motion, not only because their consciences demand it, but, more important, because it is in the interests of good government and best value for the public purse.

Over the past few years, we have heard much from new Labour about the need for joined-up government. We might not always like the

soundbites, but no one could deny that the objectives are anything but laudable. However, when faced with the current set of proposals for the trunk road network, only one conclusion can be drawn; that all the talk of joined-up government is no more than a sham. This Parliament cannot allow itself to be blinded by that illusion. We must see the truth about the scale of the mistake that Labour may be about to make, because it is a mistake that will impact on almost every community in Scotland, as potentially thousands of jobs are lost, levels of service deteriorate, and there is chaos during winter emergencies.

I will provide some reasons why I believe that the route upon which the Executive is intent is fundamentally flawed. First, it is obvious from even a cursory glance at the evidence that no real attempt was made before, during or after the tendering process to assess the impact that awarding the work would have on the delivery of services at national and local levels.

To help me to assess the impact, I wrote to every local authority, and I received a plethora of replies. To give a flavour of the responses, I will quote what a few of them say about joined-up government and best value. For example, Stirling Council tells me:

"Private sector contractors maintaining the motorway and trunk road network, quite separate from the local road network, will create duplication of resources and increased costs to the public purse as economies of scale that are achieved by integrated service delivery are lost."

There are many other quotes from Labour-run councils that I could use, so here we have it—Labour councils the length and breadth of Scotland criticising their own Executive.

The immediate impact has been estimated at the loss of anything between 500 and 600 jobs, and anything up to 3,500 jobs once secondary employment issues are taken into account and the effects on economies of scale begin to bite, making direct labour organisations less competitive and unable to win other tender work. Inevitably, that will lead to the closure of local depots and quarries that often are significant employers, particularly in rural areas.

The Minister for Transport has singularly failed to examine the tendering process in an integrated manner. As Aberdeenshire Council put it:

"The Council firmly believe that the principles of Best Value across the public purse as a whole has been ignored by the Scottish Executive."

As a result, the Executive is in danger, by default, of privatising more jobs than the Tories managed to privatise in 18 years. Sarah Boyack said yesterday that the jobs issues were only rumours. If she had taken time to contact only a handful of local authorities, she would have discovered that

she is living in a dream world. It is time that she woke up and faced the reality that is staring her in the face. Highland Council said in its letter to me:

"the council would have to shed about 200 staff. Perhaps 100 of these will end up being made redundant and 100 being transferred."

Scottish Borders Council tells me that it will have 50 redundancies, and there will be 30 in East Ayrshire, 28 in Stirling, 23 in Dumfries and 100 across Tayside. The list goes on and on.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I am glad that Mr Crawford has mentioned rural areas, and in particular Highland Council. Does he agree that this process is tragic for rural areas? It means rural job losses where we need them least. Worse than that, the process will be irreversible, because it will be impossible for councils to return to roads maintenance once it goes to the private sector. Does he agree that the motion and two amendments that are before us this morning are an obituary for council-run road maintenance?

**Bruce Crawford:** I agree entirely with Jamie Stone's sentiments. It is sad that we are involved in this process today. I thank him for his comments.

The cost savings that have been projected by the Executive also are an illusion. Sarah Boyack has been seduced by so-called large savings that simply are not deliverable. The vexed issue of quantities sometimes is complex and difficult to get one's head around. However, a glaring example exists in the north-west tender assessment process. The assessment showed that the quantities of new road signs indicated a replacement cycle of four to 20 weeks, which compares with a life expectancy of 15 years for the signs.

The quality assessment process is littered with such examples and the only conclusion can be that the whole process is flawed. According to a report yesterday from Perth and Kinross Council, the process is flawed to the extent that it has been estimated to have caused the north-west bid to be overestimated by as much as £68 million and the north-east unit by as much as £21 million. Due to the distortions in the quantities, the savings that the Executive has claimed will never materialise and the eventual contract outturn price will bear no relationship to the basis on which the tenders were assessed.

It is now established best practice to consider both quality and price. In England, the process is weighted so that 60 per cent is applied to quality and 40 per cent to price. What do we find in Scotland? Astonishingly, the Executive departed from best practice by deciding that a simple quality threshold would apply so that all the weighting

would be applied to price alone.

Such details will be examined by the Transport and the Environment Committee but, by the time that it carries out its deliberation, folks, it is going to be too late, unless the Parliament helps today by persuading Labour to put the tendering exercise on hold and carry out a comprehensive review of the flawed process.

You know, Presiding Officer, I am sorry, but sod this—

**The Deputy Presiding Officer:** Order. Language.

**Bruce Crawford:** I apologise for the language, but this has been a charade. I know that the arguments that I am presenting are well researched and are as accurate as possible—and I have another couple of pages that would confirm that there is no justice and no fairness in the tendering process—but all that good argument is not worth a jot, because, unless a good number of Labour back benchers support the SNP's motion, in about seven days the contracts will have been awarded on the basis of a process that is a travesty and a fraud.

Last night, when I heard the news that the Labour back benchers were running up the white flag because they had been given the flimsiest of amendments on an escape route to support the Government, I was gutted. Not gutted for myself, but gutted for the guys who drive the snowploughs and the gritters, the guys who operate the road-rollers and the JCBs, the guys who are the roadmen and the fencers—

**Mr Andy Kerr (East Kilbride) (Lab) rose—**

**Kate MacLean (Dundee West) (Lab) rose—**

**Bruce Crawford:** Aye, ye dinnae like it when ye're getting it this way.

I was gutted for the men who are at the front line of service delivery all across Scotland.

**Mr Kerr:** Will the member take an intervention?

**Bruce Crawford:** I am just winding up.

Those people will today see a great injustice. That great injustice will be done because not enough people in the Labour party have had the backbone or courage to stand up to a minister who patently does not understand what is going on and does not care about the implications of her decisions beyond the narrow boundaries of her own budget.

Not enough Labour back benchers have the spine to ensure that justice and fairness carry the day. This is the day on which Labour in Scotland will be known for running up the flag of the unfettered free market, which knows the cost of

everything and the value of nothing. Labour back benchers should all hang their heads in shame. Come 5 o'clock tonight, their founding fathers will birl in their graves, unless Labour back benchers prove me wrong and vote to give justice and fairness a chance. They could vote for a motion that is crafted to attract as much support from around the chamber as possible and leave open opportunities for others. I commend Murray Tosh on his amendment to amendment S1M-1584.1.

People are not happy. I am not prepared to accept the Executive's dangerous proposals. Murray Tosh may find that his amendment receives the SNP's support. The choice for members is between a fraud of a tendering process and justice and fairness. Scotland's council workers are relying on members to make the right decision. If they do not, local government workers will never forgive them and will consider the act nothing short of treachery.

I move,

That the Parliament expresses its grave concern over the tendering process for the award of the contracts for the management and maintenance of the trunk road network; in particular notes that there are wide concerns about the contract assessment process, the future operation of the trunk road service and the potential knock-on implications for local authorities and others, and also expresses its deep regret that the Scottish Executive has failed to respond fully to the substantial and detailed submissions by the Convention of Scottish Local Authorities, individual councils and others.

09:41

**The Minister for Transport (Sarah Boyack):** In speaking to the Executive's amendment, I will place on the record the facts. I emphasise that, because so much inaccurate information has appeared. I welcome the debate, as it gives me the opportunity to raise some key issues. Bruce Crawford's speech repeated some inaccurate comments that have flown around in the past few weeks and relied a great deal on rhetoric.

The contracts that local authorities won in 1996 expire at the end of March this year. The consultation on re-tendering began as long ago as April 1999. The consultation paper received 66 responses, 27 of which came from local authorities. Many of the respondents saw advantage in the four operating companies concept. The Executive undertook further analysis in a value management workshop, which included local authority practitioners.

It was clear from the outset that we would adhere to the Public Works Contracts Regulations 1991, which implemented European Community competition requirements. They require the placement of new work to be subject to open competition between competent service providers.

Competition rules apply to the process, and the Scotland Act 1998 would nullify any other course of action.

**Mr Kerr:** Will the minister take an intervention?

**Sarah Boyack:** To be fair, I will not, because I would like to get into my speech, and I know that members will have many points.

The decision to proceed to tender for four operating companies was announced in December 1999, and tender documents were issued in May 2000. Officials responded to 433 tender inquiries, issued 30 tender bulletins and held three consultation meetings with each tenderer. All tenders were submitted by 31 October. They were assessed before cash bids were evaluated to ensure that they met the stipulated quality standards. Quality ran through the whole process. The quality proposals were carefully scrutinised, and clarification was sought from tenderers as necessary. All met the quality standard, and only then were the cash bids assessed.

Ministers have been aware of the outcome of the competition for more than a month. We took that period to question our officials closely about the rigour and the fairness of the competition and the extent of the external validation. The courts have also examined the competition, and their judgments vindicate the Executive's report.

**Shona Robison (North-East Scotland) (SNP):**

The minister just said that the courts vindicated the Executive's position, but did not the judge of the north-east challenge find that the petitioners had made a prima facie case, although the case was rejected for timing reasons? The minister is telling the Parliament an untruth. Will she correct what she said?

**Sarah Boyack:** I am happy to clarify that point. The member misinterprets the legal judgment. Four actions were taken against the Executive. The Executive appealed against and won the first action and was awarded costs. I do not regard that as the Executive's position being overturned in the courts.

That led to our announcement on Tuesday that, subject to the external review of the quantities issue, we intended to award two contracts each to Amey and Bear Scotland Ltd.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Will the minister give way?

**Sarah Boyack:** No.

Those bids will provide the same or higher standards of maintenance, for lower costs. We are getting a better deal for taxpayers' money. Amey is experienced in motorway maintenance in Scotland and England, and Bear Scotland has

conducted ringway construction and has experience in England.

**Maureen Macmillan (Highlands and Islands) (Lab)** *rose*—

**Alex Neil (Central Scotland) (SNP):** Will the minister give way?

**Sarah Boyack:** No, I have already taken interventions.

The Amey bids for the south-east and south-west are worth £176 million over the five years and offer savings of £50 million over the existing arrangements. The Bear Scotland bids for the north-east and north-west units are worth £182 million over the five years and offer a saving of £25 million over the present cost.

The Executive is committed to delivering best value for every penny that we spend. How could we or any other Administration justify accepting bids that offered significantly poorer value for money?

**Fiona McLeod (West of Scotland) (SNP)** *rose*—

**Mr Gil Paterson (Central Scotland) (SNP)** *rose*—

**Sarah Boyack:** Members will all speak later. I will reply at the end of the debate.

There is no member who has not lobbied me on roads expenditure in writing or in the chamber. The demand by members for investment is enormous. This week alone, I announced that the extension to the M74 would go ahead, for which members lobbied hard. Like every other minister, I must work within my budget and the Executive's agreed priorities.

The impact on staffing is a concern to me and to members. I refute Bruce Crawford's interpretation of what I said the other night. However, some of the figures that have flown around have been totally irresponsible.

**Mr Kenneth Gibson (Glasgow) (SNP):** Will the minister give way?

**Sarah Boyack:** No.

I have read about figures of between 3,500 and 35,000. Those suggestions have heightened the concerns of employees and the trade unions. In its briefing to MSPs, the Convention of Scottish Local Authorities made it clear that it estimates that well in excess of 500 full-time staff are involved in trunk road work. I do not pretend for one minute that the issue is not major and that potentially major change does not affect local authority employees. The new and the existing operators must address the impact properly and resolve it quickly. I fully expect the Transfer of Undertakings (Protection of

Employment) Regulations to apply.

**Mr Murray Tosh (South of Scotland) (Con):** Will the minister give way?

**Sarah Boyack:** No, because Murray Tosh will speak next.

I want to respond to the comments that I have heard and received from COSLA and the local authorities. I acknowledge that in the Executive's amendment. I understand well their deep concerns about the importance of the contracts. However, it is untrue that the process was flawed and skewed against the local authorities. The process has been transparent, and extensive consultation took place before and during the tendering process.

I have a direct question. Have any of the Executive's critics stopped to ask why civil servants would seek to disadvantage local authorities and abuse the contract rules? That is the suggestion that is being made. There is no evidence to support that assertion and I refute it. Numerous detailed points have been made about the tendering process, and I ask why they were not raised during the extensive consultations. [MEMBERS: "They were."]

As a Labour minister, I am extremely disappointed with the bids that the local authorities submitted, especially because they were substantially higher than current spending. Local authorities are the existing contractors. They could share depots and staff to exploit economies of scale, and they have direct labour organisation operations that use best-value principles. Local authorities have all those advantages, so I am deeply disappointed, because they should have been well placed to win the contracts.

We are nearing the end of a long and complicated tendering process. The contractors must meet the standards and the quality specified at the rates quoted. As I announced in a written answer this week, the one remaining element of the audit process must be conducted before the contracts are signed. We will continue to respond to the points that members raise.

I fully understand the disappointment of local authorities about the results of the competition. It is important that the rigorous process of assessment and audit is properly carried out before the contracts are signed. Local authorities will have the opportunity to tender for the repair contracts and subcontract work across the motorway and trunk road network, which are expected to be substantial. The Scottish Executive manages that work by setting its framework. In addition, the Executive is investing heavily in local roads maintenance through the capital and revenue allocations that Angus MacKay announced on 7 December. That capital allocation includes an additional £70 million for local



authorities over the next three years. Local road work is the major part of local authority maintenance activity.

I do not pretend for one minute that the issue is not difficult for all members, particularly those in my party. As Minister for Transport, I have to make difficult choices all the time. I have to manage the competing demands we face in renewing, maintaining and investing in our vital transport infrastructure.

In acknowledging that local authorities and trade unions are concerned and that we will continue to respond to those concerns, I move amendment S1M-1584.1, to leave out from "expresses" to end and insert:

"recognises the strong concerns expressed by the local government consortia and trade unions about the award of the contracts for the management and maintenance of the trunk road network; in particular notes their concerns about the contract assessment process, the future operation of the trunk road services and the potential knock-on implications for local authorities, and calls upon the Executive to continue further exploration of all outstanding issues."

09:50

**Mr Murray Tosh (South of Scotland) (Con):** I am aware that, for a long time, the existing contractors, the local authorities and all the relevant people have been deeply concerned and have made representations—some public and many private—about the tendering process. The argument that the local authorities have said nothing until recently simply does not hold water. What is true is that the case from the local authorities on the detailed manner of assessing the contracts has been made only recently, because the method of allocating the contracts has begun to filter through only in the past few weeks.

I see a perfectly good reason why civil servants might seek to batch and allocate the contracts in this way: the resource transfer between local government and central Government. If we work this so that the savings are taken centrally and we do not care about the local impact, we have a strategy that advantages us and does down our partners in local government.

I want to pick the minister up on the point about local authorities having the opportunity to tender for repair work. How can a local authority maintain staff, equipment, plant and depots on the basis of discretionary contracts that it might or might not win? The minister's point was neither sensible nor valid. If anything characterises Sarah Boyack's career as a minister it is the emphasis that she has repeatedly put on consultation, transparency and partnership. She has been patently sincere in that. What makes this issue so bewildering is that

so much of that emphasis by the minister appears to be missing.

Historically, local authorities have been the partners of central Government in the maintenance of the road network; logistically and logically, they still are. In the Highland region, for example, the same vehicles maintain trunk roads and local roads—the work is integrated. Roads officers all over Scotland have said that. It is not reasonable for the Executive to act as if only central Government budgets are involved. I have had answers to parliamentary questions in which the minister has said that it is not a matter for her to deal with. She may be concerned, but she has not evaluated the impact on local government.

**Iain Smith (North-East Fife) (LD):** I am a little bemused by Murray Tosh's contribution. Does he not recognise that the whole process of divorcing trunk road maintenance contracts from local authorities was begun by the Conservatives when they were in government? They began the process of the new contracts. Does Mr Tosh not accept some responsibility for the road that we have come down?

**Mr Tosh:** As the minister made clear, our laws of competitive tendering are firmly rooted in European Union competition law. I do not regret or deplore that fact, and I am astonished that Mr Smith should. I have no difficulty with competitive tendering or with a process that allocates the work to the contractor who puts forward the best quality and best value offer. I thought that I had made it clear that what I am concerned about is that I do not believe that this process has been handled transparently, that it has involved the local authorities or that it has taken into account the impact of separating local authority work from central Government work, as the division between the two is often highly arbitrary.

**Fergus Ewing:** Will the member give way?

**Alex Neil:** Will the member give way?

**Mr Tosh:** No.

There are matters in the Executive amendment that require to be fleshed out. What does the final phrase in the amendment—

"to continue further exploration of all outstanding issues"—

mean? Are we assured that, in considering those outstanding issues, central Government will consider the impact on local government and on potentially transferred employees? Will it have something to say to the South Ayrshire Council officer who faxed me yesterday to say that, in their assessment, 22 people in their office would not be covered by TUPE regulations?

Will the evaluation take care of the concerns raised by the north-east and north-west consortia

about the application of the algorithm that is the method of calculation for the contracts? Sums of money have been bandied about. It is not like a contract for a building, where we know what the final price is. This is not a sum of money—it is a process; it is a formula. The local authorities believe that the application of that formula on a basis other than historical information about the volume of materials and the aggregate volume of work carried out distorts the impact of their bid and loads up their prices and their costs.

There is so much that we need to know about what is implied in the Executive amendment by “exploration of outstanding issues”. Does it mean that the contracts will not be awarded until we have sorted it all out? At the end of the day, I am happy to award the contract to whoever has won it fairly and will give the best value. However, that has to be good value for the public purse. The contract must be awarded on the basis that we know that the overall impact on central Government and local government is sound, economical, good value and that it gets us the best use of the available resources. I do not disagree with the minister’s objectives. I am simply not satisfied that she has demonstrated that she can achieve them.

I move amendment S1M-1584.1.1 to amendment S1M-1584.1, to insert at end:

“and further expresses concern that the separation of trunk from non-trunk roads for management and maintenance work hitherto carried out on a combined basis may diminish overall operational efficiency and value for money, and calls upon the Scottish Executive to conduct an urgent analysis of the impact of disaggregation of combined operations and to report back to the Parliament on proposals necessary to achieve optimum operational efficiency and value for money across the network as a whole.”

09:56

**Iain Smith (North-East Fife) (LD):** Many of my concerns have already been expressed in the debate, but I regret that the SNP amendment expresses concern only; it does not suggest any way forward. The Executive amendment at least calls on the Executive to continue to explore the issues—that is an important step beyond the SNP’s proposal. The issues must be explored. There is nothing in the SNP motion that asks anyone to do anything. As usual, the SNP is happy to complain about things but not to provide any solutions.

There are problems with the whole operation—it can hardly be said to have been transparent. The consultation period ran from April to May 1999, when the Scottish Parliament and the local authorities were rather busy with elections. The result of the consultation was published on 24 December 1999—a good day for getting lots of

publicity, considering how many newspapers were published on the 25<sup>th</sup>. The tender was, I believe, announced on a Friday afternoon in the middle of the Easter recess last year—that hardly suggests that a great attempt has been made to ensure that the public and the political community were fully involved in scrutinising the matter.

The tender process has been shrouded in mystery. There is a lack of clarity about what was being tendered for, and smoke and mirrors about how the tender was assessed. There are real doubts about the fairness and accuracy of the results. As Bruce Crawford said, Perth and Kinross has produced a detailed report of some of the problems, which indicates concerns that, for example, sign replacement appears to be worth 11.4 per cent in the contracts, rather than the 1.6 per cent that is the reality, while winter maintenance is 13 per cent of the contract value, when it is in fact more like 22 per cent. The minister should address those concerns.

There has been a lack of political and policy input into the process. There is suspicion that the process has been driven by officials who have been following an anti-local government and privatisation agenda, with little understanding of the realities of how road contracts work. Value for money has not been properly considered; it has been considered in terms of Scottish Executive costs, but not in terms of the cost to the public purse.

**Mr Paterson:** Will the member give way?

**Iain Smith:** I am sorry, but I do not have time to take any interventions, as it is a short debate.

The officials do not appear to have understood the importance of trunk road work to the viability of the local roads operations that are carried out by councils. They do not understand, for example, integrated winter gritting. A snowplough does not run up a trunk road then back to its depot; it goes off and clears other important roads, such as side roads, bus routes and roads to schools. That will all be lost.

The officials do not seem to understand the economies of scale relating to the provision of plant and premises. The purchase of materials is important to the viability of the local roads network. The officials do not seem to understand the need to ensure an overall work load that is sufficient to maintain a viable work force, in order to have the winter maintenance staff available to keep our roads safe in winter. That is an important point. The small part of the trunk road contract that goes to the design work of local council officials enables them to keep expertise for road safety work, new roads and footpaths and bridge works. It is all important—they all rely on trunk road work.

The minister must, in summing up, answer some

of the questions that I have previously put to her on these issues. I ask her again to consider delaying the implementation of any contracts by six months to allow proper discussion with local authorities and the new contractors on how the contracts will be implemented. Who will clear a road that is covered in snow at midnight on 31 March this year? I am damned sure that there is no clarity about who will be able to do that job by then. We have to ensure that we get through that period of interim changes by delaying the implementation of the contracts.

I strongly urge the minister to conduct a full study into the implications for local councils and the additional costs that they will face as a result of those contracts. I also ask her to give a commitment that the Scottish Executive will meet any additional costs that local authorities incur as a result of those contracts being awarded. That is very important.

It has become clear that there are real doubts about the assessment of the tenders. There must be a full independent review of the methods and results of the assessment of the contracts before they are signed. The contracts have not yet been signed—

**Bruce Crawford:** Where is the independent review to get to the bottom of this?

**Iain Smith:** That is one of the issues that has yet to be explored. I urge the minister to give us an assurance that she will go beyond the limited review of the quantities part of the contract and will instigate a full and proper independent assessment of the results of the tenders before the contracts are signed. That is one of the outstanding issues that have yet to be explored. I am glad that the Transport and the Environment Committee will be exploring many of those issues, and I seek an assurance from the minister that they will be explored. At least the Executive amendment calls for continued exploration of the issues, rather than moaning like the SNP.

10:01

**Mr Andy Kerr (East Kilbride) (Lab):** I am extremely disappointed by the minister's statement. I have absolutely no confidence in Sarah Boyack's judgment on the matter. We are on the edge of making one of the Parliament's worst decisions in its short life. It is a personal and political embarrassment that we find ourselves arguing over such issues in the Parliament. Allowing the management and maintenance contracts to go ahead as planned would be one of the worst decisions that we could possibly make. A flawed process has led to a flawed result—that is what I shall focus on. I have long experience of contracting in the public and private sectors and

the current flawed process does not, in any way, offer value for money and it does not provide best value. The process is a shambles.

This is not a battle about public versus private or direct labour organisations versus the private sector. The DLOs are in partnership with many blue chip companies—companies whose joint submissions were based on good tendering practice in the public and private sectors. There should be a level playing field.

Let us go back to the start of the process. Local authorities were consulted and there were meetings, but were the authorities listened to? I have my doubts. Local authorities raised major issues during the consultation process. Bruce Crawford said that he had been writing to local authorities during the past week or so. I have been meeting and writing to them for the past 14 months on the issue. I have correspondence dated 16 January, which refers to previous meetings. We find ourselves in a sad situation today.

Quality is not at the forefront of the contracts, nor is it built into them. In 1995, I was writing contracts that built quality into the process; not in England, where there were 60:40 price-quality splits, but in Glasgow, where I wrote them with a 50:50 price-quality split. I tell the minister that the contract strategy is flawed—it is 10 years out of date. Compulsory competitive tendering mark 1 has been used during the tendering process. No modern tendering processes have been brought to bear on the issue.

Frequencies are the nub of the issue. As many members have said, that continues to skew the local authorities' and their partners' bids in the process. We will fail the public if the contracts are awarded to the private sector.

**Shona Robison:** Will Andy Kerr give way?

**Mr Kerr:** I will not accept an intervention from Shona Robison, but I will be happy to accept one from the minister if she disagrees with me.

The contracts present us with an incentive not to maintain Scotland's roads. All the money has been loaded into a lump sum and the private sector will make our roads worse, by aggregating the faults and issuing discrete contracts.

**Sarah Boyack:** Will Mr Kerr explain how he thinks the lump sum processes work? My information is that the lump sum element for the successful private bidders ranges from 17 per cent to 26 per cent—nowhere near the 80 per cent that he alleges.

**Mr Kerr:** I did not allege 80 per cent. I ask members to look at the values that are attached to the contracts and at the gaps that exist. The minister must be careful—she should look this gift horse in the mouth. How can a DLO with five

years' experience in the business with its private sector partners be 50 per cent out in terms of both the local authority and two private sector bids? I think that that gift horse must be looked in the mouth. Who are the partners? Tarmac, Scott Wilson and Morrison plc. I ask the minister to examine the gap that exists because a huge error is about to be made. The contractors had the experience—they knew the pattern of work and the frequencies and they based their bids on that.

Loss of control concerns us all. The one-stop shop approach and co-ordination with local police services and gritting and winter maintenance services will all be lost—they will be thrown out. The process does not reach even the basics of what I regard as best value. On vindication in the courts, Lord Penrose stated:

"Inviting quotations and quoting rates for unquantified work exposes the employer and the contractor to risk."

If that is total vindication of the Scottish Executive, I do not know what ministers are talking about. There are a number of ways out of the situation; for example, there have been judgments that say that European legislation will allow us to extend the contracts.

I finish by quoting the radical left-wing publication, *Contract Journal*—a magazine of the private sector—which stated that the Clyde consortium's

"complaint . . . about the tender process for Scotland's trunk road management and maintenance contracts, highlights some of the worst aspects of poor client performance—namely a lack of transparency, a gearing towards price rather than quality and skewing the tendering process away from existing contractors".

It continues:

"Perhaps those concerned should read *Modernising Construction*, the report published last week by the National Audit Office, to ensure that the taxpayer receives value for money on government procured construction projects. It explains to the government what many others already know—that awarding contracts on the basis of the lowest price is a fallacy and that it often leads to grossly inflated prices".

We are on the verge of a decision and I hope that the minister will reconsider her view. At the moment, we are in the jaws of defeat, but I hope that the minister will listen to this morning's debate and do what members have called for, which is to delay awarding the contract, revisit the issue and award the contract on a fair and equitable basis.

10:06

**Shona Robison (North-East Scotland) (SNP):** It gives me no pleasure to speak in this debate because I sense an ever-increasing sense of frustration on all sides of the chamber. Members of all parties do not want what is proposed for the road network, but we have no opportunity to force

the minister to delay the process. I appeal to all members to find a way to force the minister to abide by this morning's clearly expressed will of the Parliament.

Twenty months ago, when the elections for this Parliament were held, the people of Scotland voted in the belief that a new political system would allow decision making in Scotland to be conducted in an open, transparent and democratic manner. I believe that that view is endorsed by the vast majority of members but—sadly—the events that surround the awarding of contracts for trunk road maintenance have not been open, transparent or democratic. Instead those events have demonstrated the worst excesses of an episode of "Yes, Minister". Several examples illustrate that.

The January issue of *Surveyor* magazine said that

"the financial model had skewed the comparison so that prices were distorted and not based on value for money".

As a result of the flaws in the tender process, legal challenges were subsequently mounted against the Government by the council consortium. The latest challenge was rejected on the basis of time, but the petitioners were found to have a *prima facie* case.

Perhaps it would be helpful to emphasise that each of the four consortia comprised local authorities in partnership with the private sector. Members who have tried to speak about public sector protectionism are quite wrong. The system should protect the public and private sectors and should be designed to get best value for the taxpayer. That will not happen if the minister gets her way.

On Tuesday, the minister awarded the contract, subject to an urgent independent review of one aspect of the assessment process. That same assessment process has been the subject of court action during the past fortnight and has been vigorously defended by Government lawyers in court. If the minister accepts that there is a problem, why did she go ahead and award the contracts? It is a ludicrous situation.

**Fergus Ewing:** I am grateful that Shona Robison has allowed me to intervene; the minister would not accept an intervention. The review process is being carried out by Halcrow, a company that played a part in the tendering process. How can a company that played a part in the tendering process be given—by the minister—the job of judging its own performance? Is not that absolutely ludicrous?

**Shona Robison:** I agree totally with Fergus Ewing. I am sure that an awful lot of scandals will come to light during the inquiry by the Transport

and the Environment Committee. However, it will be too late—by that point the horse will have bolted.

**Sarah Boyack:** I say to the member that the consultants have a professional reputation to defend. The people who have been allocated to the review were not involved in the tendering. Such practice is well established and is standard in commercial consultancy organisations. The consultant has in the past made robust recommendations to the Executive, upon which we have subsequently had to act. The review is not a way for the Executive to avoid examining the process closely. The review is independent and will be robust and we will respond to it.

**Shona Robison:** The minister's defensiveness says a lot. I hope that she continues to dig a hole for herself. The reality is that several hundred local government workers throughout Scotland have had their jobs placed in jeopardy because of the minister's decision.

Significant questions about future provision of services remain unanswered. In a briefing paper, the Convention of Scottish Local Authorities says that about 500 full-time equivalent jobs are dependent on the contracts. The loss of those contracts will have a significant impact on the operation of many DLOs, which rely on trunk road maintenance for about 30 per cent of their income. Loss of that income will have an impact on the viability of their whole operations and a consequent impact on the maintenance and repair of the local road network.

**Mr Stone:** Will the member give way?

**Shona Robison:** No, I have taken a lot of interventions.

Many DLOs also produce a surplus that they return to the local councils at the end of the year. For example, the three councils in Tayside have budgeted for a surplus of around £1 million from Tayside Contracts. Given the loss of such income, will the Minister for Finance and Local Government give a different settlement to local government? I doubt it.

To sum up, I believe that a lot of questions need to be asked. When the Transport and the Environment Committee has its inquiry, a lot of facts will come out about the process that will prove the points that are being made today. The problem is that that will happen after the horse has bolted.

I appeal to concerned members; let us do something about this and make the minister delay the process. That is the will of the Parliament.

10:12

**Tommy Sheridan (Glasgow) (SSP):** Shona Robison finished by referring to the will of the Parliament. I appeal to the Presiding Officer to recognise the will of the Parliament and, at least, to give an opportunity to the Parliament to do something about the matter. As the Presiding Officer might know, I have submitted an amendment to the amendment—

**The Deputy Presiding Officer:** Order, Mr Sheridan. You submitted your amendment after the debate had started. It would be unprecedented, although not impossible, for me to accept it. I have called you early to give you the chance to speak. I think that in your four minutes you should address the issue, rather than procedural matters.

**Tommy Sheridan:** With the greatest respect, Presiding Officer, I hope that you will accept that—

**The Deputy Presiding Officer:** You are eating into your time, Mr Sheridan. You have four minutes.

**Tommy Sheridan:** I appreciate that I am eating into my time. I have been interrupted twice now.

Murray Tosh has presented you with an amendment to the Executive's amendment. There is a built-in disadvantage for smaller parties—

**The Deputy Presiding Officer:** Mr Sheridan, please come to the point. I gave you a written note, explaining that I would call you to speak early. That is the decent thing to do. I have called you early. If you wish to speak, speak now. The matter is for the judgment of the chair. I will not allow any further procedural discussion.

**Tommy Sheridan:** I am very sorry, Presiding Officer, but I asked for a deferment of the awarding of the contracts. It was—

**The Deputy Presiding Officer:** Mr Sheridan, you must speak to the motion, otherwise I will call the next member. That is a final warning.

**Tommy Sheridan:** Sorry. I hoped that the chamber would force the minister to defer the awarding of contracts.

What we have had today is a very mature and welcome debate. The SNP stands accused of lodging a weak motion. I think that it lodged a weak motion because it hoped to get everybody's support.

I commend Andy Kerr's honesty. It is absolutely refreshing that the member has come here and said what he feels, instead of being gagged, as members often are on serious issues such as this. I commend him on that.

It is undoubtedly the case that the Executive's amendment is stronger because it refers to

"further exploration of all outstanding issues".

What members are asking is, "What does that mean?" Does it mean suspending the awarding of the contracts until there is further exploration? If it does, I hope that we could all support it. If it means investigating all the issues, but awarding the contracts anyway, then it is—to be frank—only talk. That is why I hope that we will get a commitment from the minister today that there will be no awarding of the contracts until full exploration has taken place, in particular by the Parliament's Transport and the Environment Committee.

I commend Mr Kerr, because he has been consistent. Far too often in the life of the Parliament, we have heard members say one thing, particularly in newspapers and on the radio—we will come to that later with the First Minister—but do something else in Parliament. At least the convener of the Transport and the Environment Committee has stuck to his brief in recognising that the process is flawed. The decision, if it is allowed to proceed, is disgraceful. Let us take the decision to suspend the awarding of the contracts until there has been full appraisal of the whole process.

The minister has talked about jobs. I heard her on the radio the other day and she seemed to be dismissive about the threat to 3,500 jobs. She said that the private companies would take over some of the jobs and that TUPE regulations would apply. I refer the minister to the Amey group's statement of its intentions for this year. I quote from its business statement, which says:

"At the beginning of April 2001, Amey will re-structure to focus more closely on the market segments in which it operates. Furthermore, a market-facing structure, supported by . . ."

I emphasise this—

"a lean but highly efficient Group centre, is designed to reduce operating costs over time."

**Mr Stone:** Does Mr Sheridan agree that, whatever the figure for potential job losses, the loss of one, two, three or four jobs—as few as that—will have a fatal and devastating effect on rural communities, such as those in the constituency that I represent?

**The Deputy Presiding Officer:** Answer and close, Mr Sheridan.

**Tommy Sheridan:** It gives me pleasure to support what Jamie Stone said in his intervention. As we all know, the Amey group statement reveals that the private sector secured the contract on the basis that it would cut costs by cutting jobs. That is what this is about and there is no doubt about that in anybody's mind. Let us not see any crocodile tears. The statement says that employees will be transferred, but they will be transferred to a

company that is going to restructure—therefore TUPE will not apply. That is the fact of the matter and the minister must recognise it.

My final point is on safety. We are looking at a gamble with people's safety. Regardless of local criticisms, the performance of DLOs up and down the country in clearing our roads during the winter is absolutely tremendous. That is in danger. Today we are having an Alice-in-Wonderland discussion in which the Tories are on the side of the public sector workers. Perhaps today's debate is not an Alice-in-Wonderland debate but a Sarah-in-Toryland debate.

10:18

**Mr David Davidson (North-East Scotland)**

**(Con):** I thank the SNP for addressing this subject during its non-Executive time. Every member must have had local correspondence on the matter. As Andy Kerr succinctly put it, the process is flawed.

I commend Murray Tosh's amendment to the Parliament, in particular the final part, which calls for

"an urgent analysis of the impact of disaggregation".

Members should look at those words, because members could support that. I appreciate that the SNP motion is not one of its stronger ones, but it was designed to encourage open and clear debate, without interference from party politics. The matter is important and the Executive and the minister have failed to grasp what the situation is about.

The minister said that current contracts expire in March. Any normal contract process has—always—a safety clause at the end. If something goes wrong, there is a mechanism to continue with the existing contract for the short term. I ask the minister to confirm when she speaks whether such a mechanism exists in this case. If that is the case, we can support Murray Tosh's amendment and get the independent review that is required to examine this flawed process.

I was speechless at the minister's blinkered view of the matter; she does not seem to understand the knock-on effects of what is proposed and that point has been made well enough by other members. It is important that she understands that, unless local government budgets are altered to deal with it, loss of critical mass from a local authority enterprise that maintains roads will lead to rising costs for the council tax payer. If she alters those budgets, where is the saving? It would be far better to consider the submissions that we have received from many council directors, especially from Aberdeenshire Council, which said clearly that the best of the public and private sectors were seeking to put the bids together.

I was a councillor in 1995 and I remember some of what Andy Kerr talked about. Under the Conservative Government, we eventually achieved—with support from both sides—a good contracting system, which took account of quality as well as cost. Value for money was important then; it is even more important now.

**Mr Stone:** Does Mr Davidson agree that in addition to the loss of critical mass—only a rump remains with local authorities—the private sector will cherry-pick the best employees and skills from the local authorities, which will further undermine what is left to the authorities?

**Mr Davidson:** I do not want to go that far. I am more concerned that the chamber acts sensibly today to prevent the minister taking us into a situation that could bring a potentially disastrous cost to all tax payers and road users in Scotland.

We are not talking about party politics or which side is right. The debate is about the process—that is what the chamber must vote on.

**Mr Stone** *rose*—

**Mr Davidson:** No. Mr Stone has had his five interventions; he has done well.

I do not understand the Executive's approach to responsibility for the roads infrastructure, especially on lifeline projects. In other words, what is a trunk road and therefore the Scottish Executive's responsibility and what roads should be the local authorities' responsibility? I do not understand the Montrose bridge situation—it is apparently a lifeline project, but the road is not trunked, so it is the responsibility of the council. The minister thinks that some other budget will deal with that project. She has said that in her letters to me, but that is not the case. Government departments must talk to each other and consider matters in the round.

In Aberdeenshire, part of which I represent, there are problems with the western bypass. Why is it that the M74 in Glasgow is paid for by the public purse? We all supported that, but we in the north-east are told that it does not matter how economically important the road is to us; Aberdeenshire Council will have to pay for the bypass.

In conclusion, we ask the minister to listen—for once—and to put aside the pettiness that appeared in her earlier speech. We ask her to listen to the strong advice that she has been offered from all parts of the chamber today.

In conclusion, Presiding Officer—

**The Deputy Presiding Officer:** That is your second conclusion.

**Mr Davidson:** I ask the chamber to support Murray Tosh's amendment.

10:23

**Fiona McLeod (West of Scotland) (SNP):** This is not so much a set-piece debate as an emergency debate. I hope that the minister will listen to the pleas that are being made in the chamber.

The minister said that the process was not flawed, but she has heard more than once today that the court made it clear that its judgment was time-barred, but that it accepted the *prima facie* evidence. Therefore the process was legally flawed.

Members have talked about loss of jobs. Does the minister dispute the local authorities' figures? Does she dispute the figures that her colleagues have quoted today—that there will be 22 job losses in South Ayrshire, 22 in Dumfries and Galloway and 30 jobs lost in the Highlands? All will be directly related to the loss of the contracts.

Is TUPE fully costed in bids from private companies to which the minister is about to award contracts? If it is not—we have heard from several councils that it is not and that not all jobs are covered by TUPE—will extra money be put into local authority budgets to offset the costs of redundancies?

The minister said that the process has been long and that people have had plenty of opportunity to question her. I say to the minister that I have received correspondence from more than one council. That correspondence states that the councils have, throughout, tried to question the process, but they have not been allowed to do so and the door has been slammed in their faces. That is not what a listening Government would do.

I want to finish by saying—in fact I do not want to finish as I have plenty of time and there are plenty of other points that I could make.

**The Deputy Presiding Officer:** The quicker the better.

**Fiona McLeod:** I apologise.

I will quote from Alison Magee, the COSLA transport spokesman. She wrote to all members, including the Minister for Transport and the First Minister. The letter states:

“on behalf of COSLA I would, again, request most urgently that before any contracts are awarded you undertake an independent and widely defined appraisal of whether the whole process followed will provide best value in delivering road maintenance”.

In essence, that is what all members are asking of the minister today. In her summing-up, I want to hear a categorical assurance about the phrase in her amendment that says that the Executive will

“continue further exploration of all outstanding issues.”

I want the minister to explain that phrase and to

tell us that it means that she will halt the process now and that she will not award the contracts within the next four days, but instead await the Transport and the Environment Committee's inquiry, which will be full, wide-ranging, transparent, open and public. I want an assurance that, when that inquiry is reported to Parliament, the minister will listen and make her decision based on it. If we hear the absolute guarantee today that she will halt the tender process and that she will await the report from that committee's inquiry, as discussed by Parliament, the SNP will support her amendment.

10:27

**Kate MacLean (Dundee West) (Lab):** Like Andy Kerr, I find the decision that has been taken unbelievable. I spent seven years as a council leader and three years as vice-president of COSLA fighting for public sector jobs and services. I cannot marry that with the decision that has been taken on these contracts.

This is not about the public sector versus the private sector; the council that I was a member of was involved in private finance initiative projects and stock transfers. It is about the fact that there has not been a level playing field. If the differences in prices had occurred under a fair tendering process, I would have accepted that. I would not have been happy about it and its effect on public sector jobs, but I would have accepted it. However, that is not what this is about. It is about a flawed quality assessment process and a flawed financial assessment model. Enough concerns have been raised in the chamber and by outside organisations, in both the private and public sector, that suggest that we should reconsider the matter.

I hope that the minister, even at this late stage, will be able to say that she will delay awarding contracts until the Transport and the Environment Committee has held an inquiry into the matter.

Tayside Contracts, in my constituency, has estimated that it will suffer a 30 per cent loss of income if the minister's proposals go ahead. That will have a knock-on effect for the local authorities that are involved, which last year had £1.2 million in profits returned to them by Tayside Contracts. That money must be found elsewhere, either by increasing council tax or through cuts in services in the local authority. That is not acceptable. I might not have been happy about the situation if I had been confident that the process was fair, but I am certainly not happy about it in the current circumstances.

The audit—to which the minister referred in an answer to a written question—that she expects will take fewer than seven days is a fig leaf.

PricewaterhouseCoopers and Halcrow are involved in the performance audit group, but they were involved in the early stages of assessing the tenders, so they cannot be described as independent.

Although I agree with the SNP and the Tories on those issues, I must say that the SNP has been disingenuous. If we support the SNP motion, we will be supporting less than the Executive amendment. The SNP has tried to give the impression that supporting its motion will somehow stop the process.

**Fiona McLeod:** Will the member give way?

**Kate MacLean:** No. I am not taking any interventions because SNP members did not take any.

The SNP has been very disingenuous; if we support its motion, nothing will happen. Furthermore, the Tories are simply being opportunistic. They say that they want efficiency and value for money; however, it was the Tories who introduced compulsory competitive tendering, which meant that councils had to make an expensive and inefficient split between client and contractor.

I urge the minister to consider seriously the feelings of MSPs and of both public and private outside organisations.

10:30

**Euan Robson (Roxburgh and Berwickshire) (LD):** We have already heard about the short consultation period on the document "The Road Ahead: A Review of the Management and Maintenance Arrangements for Scottish Trunk Roads". How many of the 60-plus responses favoured the four areas conclusion that was reached? That is the root cause of today's debacle.

Will the minister clarify why the base formula was issued only after the tendering process was completed? Why are some of the base costs eight times the historic reality? That has made it inevitable that the public and private sector consortia would lose out.

The idea of saving centrally simply to spend extra money at local government level is ludicrous and creates a severe problem. It is estimated that 37 jobs will be lost in the Scottish Borders, with major disruption to integrated winter and maintenance services on the A68 and the A7. Part of the problem is that the development department views trunk roads as motorways. In rural locations, however, a trunk road can be single carriageway. The episode has brought us to the point where we must consider a major programme of detrunking and ring-fencing resources to allow local



authorities to deal with roads, particularly of the type that I have mentioned.

The Executive spent much time and effort trying to change the atmosphere of the relationship between central and local government, particularly through the recent local government settlement. That was welcome and much good work was done and good will created. However, the deep sadness of this episode is that it has soured that new atmosphere and breached the developing trust between central and local government. I conclude that the situation represents a major failure of public policy.

**The Deputy Presiding Officer:** Thank you for your brevity. Can we have similar brevity from Alex Neil?

10:33

**Alex Neil (Central Scotland) (SNP):** Thank you, Presiding Officer, for letting me in.

I pay tribute to Andy Kerr's speech. It takes courage—particularly on some benches—to make that kind of speech, and I do not understand how the minister, who heard his devastating analysis, can continue to hold her position.

Yesterday, we witnessed Labour's betrayal of old people with Alzheimer's and dementia. Today, we have its betrayal of council workers throughout Scotland. If the Executive is allowed to get away with that, tomorrow it will be the betrayal of the water workers and others.

My first remarks are addressed not to the minister, but to the members of Unison and the other unions who are in the gallery today. I welcome them to the chamber. I point out, however, that it is not enough just to protest outside it. Many Unison members pay a political levy to the Labour party. Why should they pay a levy to an organisation that is destroying their jobs, their futures and their families? It is time that those workers had a weapon with which to give Labour a taste of its own medicine.

**Mr Tosh:** Will the member give way?

**Alex Neil:** I do not have time to take interventions, even from someone as articulate as Murray Tosh.

In answer to Kate MacLean's point on the SNP motion, I say that when we submitted the motion we did not know about the Transport and the Environment Committee's inquiry.

No one can hide behind European Union rules on competition; nothing in those rules says that we need this shabby process—quite the opposite.

Finally, how can a minister stand up and say that the proposal represents value for money

when she has not costed the redundancy payments, the unemployment benefits, the effects on local authority finance and all the rest of it? It is amateurish and pathetic to argue that a lower price means value for money. Value for money is not just about the price of contracts, but about the wider question of the impact of this shabby deal on Scotland. I beg the minister to put a stop to this nonsense and start the process all over again.

10:36

**Donald Gorrie (Central Scotland) (LD):** I thank Andy Kerr and Kate MacLean for reviving my faith in the Parliament; I invite the minister to revive my faith in the Government.

As the technical aspects of the issue have been well covered by people who know more about them than I do, I will stick to two points: first, the partnership between the Parliament and the Executive and local government; and secondly, the issue of democracy within the Parliament.

The relationship between the Parliament and, particularly, the Executive and local government was at a low ebb because the previous local government financial settlement was unsatisfactory. I am not blaming anyone for that situation; however, it represented a shrewd blow against local government. Since then, ministers, supporters of the Executive in the Labour and Liberal Democrat parties and members of the Opposition have been working very hard to forge a better relationship with local government. However, although relationships were improving after a better financial settlement, this action will put us back where we were—and perhaps in an even worse position. We must work at this very important partnership. With respect to the minister, the documents produced on behalf of her department which rubbish the views of local government are an absolute disgrace.

In my experience, ministers are decent people captured by civil servants—and I should make it clear that that is not a party political point; I have seen the same thing happen to members of all parties. Instead of listening to the public and their political colleagues, ministers end up believing, on the advice of civil servants and lawyers, that they cannot do anything at all. The partnership between central and local government must be repaired.

My second point is also relevant to the next debate. We have a minister who quite genuinely holds particular views and has pursued a particular policy. It is clear, however, that a massive majority in the Parliament wants a different policy. I do not think that the minister has a single friend in the chamber for the policy that she is conscientiously pursuing. In any democracy, there must be some recognition of

that problem, and the Parliament has yet to work out how to deal with it.

Although we do not want crises, votes of no confidence and so on, it is not acceptable for a minister to ignore the majority opinion of the Parliament. As a result, I appeal to the minister to pursue the course advocated by my colleague Iain Smith and other members. There must be a delay in putting the contracts into effect while the whole position is properly scrutinised. Furthermore, we must examine the system's fairness, which has been heavily criticised. If we do not have such a delay or review, many of us will seriously address the state of democracy in the Parliament.

10:40

**Phil Gallie (South of Scotland) (Con):** I sympathise with the minister. I cannot remember another debate in the Scottish Parliament—or at Westminster—in which a minister has stood entirely alone, with not one member from the back benches to support her. I sympathise with her because no other member of the Scottish Executive is here to support her. Rhona Brankin made a brief appearance during the debate, but she has since disappeared. That absence of support is an absolute disgrace, and it perhaps demonstrates the weakness of the argument that the minister is obliged to put forward.

Conservatives cannot be accused of hypocrisy on the issue. We do not regard the argument as about the qualities of the private sector or of local government. Members have referred to the partnerships that existed in the DLOs and the private sector and to the recent contracts that have been successfully fulfilled. Our argument concerns the quality of the tendering process and the questions that arise from it. Andy Kerr referred to the tendering process as a shambles. He and I do not often agree on political measures, but we agree on issues such as contracts, of which we both have some experience. The tendering process has, indeed, been a shambles.

It is not only those who have been involved in contract procedures who feel that way. A QC who defended the Executive's cause in court recognised that the tendering process was flawed, and learned judges condemned aspects of it. That suggests that something is wrong.

**Mr Stone:** So far, every member has supported the notion of delaying the contracts. Is that the Conservative party's position?

**Phil Gallie:** It certainly is our position. Murray Tosh lodged his amendment after the minister lodged an amendment that called on the Executive "to continue further exploration of all outstanding issues."

Fiona McLeod referred to that request,

emphasising a way forward for the minister on that statement. She saw it as an opportunity for the minister to step back, delay and think again. I believe that every member would plead with the minister to think again.

10:43

**Sarah Boyack:** The comments made this morning demonstrate the value of conducting some of the discussion in public. The past few weeks have been extremely difficult. Before a decision was reached, and until the matter had gone through the courts, it was not possible for me to enter into a public debate. I am grateful that I can begin to answer members' questions. A critical reason for the Executive's amendment S1M-1584.1 is to allow me to answer the detailed questions that members have asked.

Members have put questions of detail and of principle to me over the past few weeks, and I deeply regret that I have not been able to answer them. In my response to the debate, I will cover as many points as I can. If I am unable to address specific points that members have raised, I will ensure that those members receive an individual reply, as they deserve nothing less. We will also have the opportunity to debate the matter further, which is the essence of the last line of the Executive amendment S1M-1584.1.

**Phil Gallie:** Will the minister give way?

**Sarah Boyack:** I cannot possibly give way before I get to my final comments.

Euan Robson talked about base quantities, which ties in with the court case. Let us be clear. It is the Executive's view that the courts ruled that the three-council consortium had not established a *prima facie* case on the issues raised. The only exception was in relation to the base quantities applied in the tender process, on which the court said that there might be arguments to hear. The court also said that the Scottish ministers might have a good argument on the issues raised by the consortium, which made no difference to the validity of the process.

As a minister, I needed to test the point about base quantities properly, by independent audit, before I could sign contracts. I would love to live in a world without lawyers. For the past five to six weeks, the Scottish ministers have explored every legal opportunity available and we will consider those issues further.

Quality has been assured throughout the tendering process. Only those who were assessed as capable of delivering quality were shortlisted. The specifications were of the same standard or higher than those in the current contracts and ran to two volumes. Tenderers were allowed to explain

their proposals and submit them prior to tenders being submitted, so that we could highlight any shortcomings before their final submission. At the core of the contracts is the intention to ensure that there is no reduction in levels of safety. The winning contractors will have to demonstrate a track record on trunk road safety in England and on the M74 in Scotland.

**Mr Kerr:** Will the minister provide information on that point?

**Sarah Boyack:** No. I must respond to questions that have been raised already.

David Davidson asked a question that I have also been asked outside the chamber, concerning the extension of local authority contracts: what opportunity do I have to do that? The majority of the contracts have no facility for extension beyond 1 April. Because of their value, they are subject to the European procurement rules that regulate the way in which the Scottish Executive may act. To extend the current local authority contracts would almost certainly be regarded, under those procurement rules, as awarding a new contract without competition. It would therefore be a breach of European rules—

**Mr Stone:** That is nonsense.

**Sarah Boyack:** That is the advice that I have been given. I would love to live in a world without laws. However, the Parliament must operate within our law and within European law.

Murray Tosh made a point about consultation. I am not saying that everyone agreed with the tendering process, but, in responding to the consultation document "The Road Ahead", 15 local authorities said that they favoured the use of operating companies in some form. Although they would have preferred contracts to have been given to the companies without competition, that would not be possible under European rules.

I shall now address the motion and the amendments. The SNP motion condemns the Scottish Executive for failing to keep people informed. My opportunities to talk openly to people over the past few weeks have been limited. The Executive was involved in court action in the new year, during which proceedings it was impossible for me to comment. Several MSPs have written to me and the First Minister has written to COSLA, and we will ensure that that correspondence is dealt with properly.

The Tory amendment is breathtakingly hypocritical. I strongly agreed with the comments of Kate MacLean and Andy Kerr on that point. It was the Tories who broke the long-standing agency agreements with local authorities by putting out to tender the contracts that the local authorities won in 1996.

**Mr Tosh:** Will the minister give way?

**Sarah Boyack:** No, thank you.

The Conservative amendment seems to suggest that there is a unified structure, but there is not, and that is at the heart of the matter. The fragmentation of the approach to roads maintenance was begun by the Tories' abolition of the regional councils. The consultation paper issued in 1999 was intended to gather experiences in the aftermath of reorganisation and to establish a more rational and coherent approach to the maintenance of vital trunk roads and motorways throughout Scotland.

**Mr Tosh:** Will the minister give way?

**Sarah Boyack:** No, thank you. I will not take lessons from the Tories, given their track record on running down Scottish roads maintenance and decades of underinvestment in infrastructure. I am surprised that the Tories have even entered the debate today.

Let me respond to the comments that were made by Andy Kerr and Kate MacLean. The Executive amendment goes further than the SNP motion, and I give the commitment that I shall continue to explore the options that are open to the Executive. We have considered our options over the past five weeks and we will continue to do so.

**Mr Tosh:** Will the minister give way on that point?

**Sarah Boyack:** No, I will not. I have given a commitment on the audit. If there are other issues that I can consider beyond the debate, I shall do so.

**Tommy Sheridan:** Will the minister suspend the awarding of the contracts?

**Sarah Boyack:** I have already delayed the signing of the contracts to ensure that we properly address the base quantities audit and that that information is available to Scottish ministers before we take the final step: that is important. We are exploring the opportunities and have been doing so for the past five weeks.

I recognise that the debate has been difficult for everybody. This has been the first opportunity to debate the issue in the chamber. I will respond in writing to those comments to which I have not been able to respond in my final remarks. I am conscious that I am running out of time, but I have tried to respond to all comments.

**Tommy Sheridan:** On a point of order. In the interests of democracy in the chamber, the minister should address the question that all sides have put. Will the minister defer the signing of the contracts? Members want to know.

**The Deputy Presiding Officer:** That is not a point of order.

10:51

**Mr Kenneth Gibson (Glasgow) (SNP):** We have seen a fairly astonishing turn of events. I do not think that I have ever been at a debate in which a minister has spoken twice and, after sitting down, has received applause from not one member on either occasion. That shows the chamber's concern and unanimity on the issue, which has caused great concern for a number of people over a long period. I am pleased that we have been able to bring it before the chamber.

I will address the comments made by each speaker. First, the minister has not answered the central question. I am willing to sit down and allow her to intervene if she will say whether she will delay the contracts until such time as the Transport and the Environment Committee has carried out its investigations. [MEMBERS: "Go on, Minister."] Given that the minister has not intervened, I shall proceed.

The tendering process was flawed at 26 different points. In the main, those have been touched upon, but they deserve further comment. How could the assessment process, for example, have been carried out effectively if the current providers—with decades of experience, who have delivered a high-quality service—are replaced by two companies, one of which has little or no experience in Scotland? The tendering process has lacked any transparency. The Government reserved the right to apply unspecified weightings to items within the bid, but the actual weightings applied have never been disclosed.

On quality, tenderers did not know what the quality threshold was. They were advised only if they reached it.

On pricing, tenderers will be paid a lump sum for winter maintenance, irrespective of the type of winter. There is great concern over the flexibility of such pricing.

On price assessment, some of the quantities used in the assessment are three or four times greater than have been or will be used by the Government. In one instance, a differential of over 4,000 per cent has been indicated. That has greatly distorted tender prices. It was made clear at pre-tender and quality meetings that large lump sums and low rates would not be tolerated, yet it appears that they have been accepted. That makes it easier to manipulate outcomes. In addition, the many areas of ambiguity in the tender documents mean that there is considerable scope for claims for additional costs, possibly leading to an expensive claims approach by tenderers using that methodology.

Bruce Crawford talked about the serious damage to our ability to manage and maintain our roads and about the fact that no attempt was made to assess the impact on existing services. Like other members, he talked about duplication, and increased costs for local depots and quarries.

The minister spoke after Bruce Crawford and talked about the use of inaccurate information, but it seems to me that the minister is the only person who holds to that view. COSLA and the individual local authorities have all submitted information that contradicts the minister. It appears that the minister believes that she is right and that everyone else is wrong. How can that possibly be? She has approached the debate like an ostrich with its head stuck firmly in the sand.

Murray Tosh talked about savings being made centrally by burdening local authorities. He was not satisfied that the process had been carried out effectively.

Iain Smith talked about the lack of transparency and clarity in the process. He touched on the errors in base quantities and talked about economies of scale, about depots closing and about materials. He also called for a full, independent assessment.

Everyone in the chamber would agree that today's keynote speech was given with great passion by Andy Kerr. He expressed no faith in the minister's judgment—what can we add to that? He talked about a shambles of a process and reminded the minister that local authorities are already in partnership with the private sector and that we were hoping to achieve a level playing field.

Andy Kerr doubted that local authorities had been listened to and talked of this being a sad day for the Scottish Parliament. He said that quality was not in the contracts and pointed out the fact that the Scottish Government's proposals were 10 years out of date and were simply compulsory competitive tendering mark I. He told us that there was not even a basic level of best value in the contracts.

Shona Robison talked about the conflict of interest with Halcrow and I have been advised by some of the many lawyers on the SNP benches that that could leave the Scottish Government open to independent legal challenge if the contracts were introduced. Shona Robison appealed to members to support the SNP motion.

Tommy Sheridan talked about the honesty of Andy Kerr's presentation and called for a full exploration of the matter. He emphasised the fact that the minister was proposing to cut costs by cutting jobs and mentioned the possible risks to safety.

David Davidson talked about the minister's blinkered view and, although he did not use these exact words, said that the minister was taking us over the abyss on the issue.

Fiona McLeod again pointed out that the minister had disputed the information given by local councils. She quoted COSLA on its adamant opposition to the proposals that the minister has outlined today. I would like to quote David Stewart, the Labour MP for Inverness East, Nairn and Lochaber. He says:

"I have very grave doubts about the Executive's handling of the tendering process. It has been deeply flawed from the outset, and I have no hesitation in supporting the Highland Council's stance. In politics, you have to stand up for what you believe is right."

Kate MacLean also talked about flaws in the assessment process and said that the Executive had let the side down.

Alex Neil talked about the amateurish and pathetic argument that the minister had put forward and I am sure that most MSPs will agree with the point that he made about shabby deals.

Donald Gorrie raised an important point about the minister undermining trust between the Scottish Parliament and the ministers and talked about the need for the ministerial team to listen to the majority.

There was discussion of the fact that the minister is entirely alone in the process and the minister refused to reply to individual concerns that were raised by members. It appears that, in her view, her civil servants are right but that MSPs, COSLA, local authorities, Uncle Tom Cobbleigh and all are wrong. She even had the temerity to misquote the SNP's motion.

**Pauline McNeill (Glasgow Kelvin) (Lab):** And the SNP never does that.

**Mr Gibson:** Nasty.

Best value has been totally ignored and TUPE regulations will be ignored. It is clear that substantial numbers of people will not meet the criteria for TUPE regulations and that local authorities will be faced with redundancy costs. TUPE regulations will apply only in cases in which half of the work of a member of staff is clearly identified with the transferred undertaking. That is unlikely to apply to many due to the way in which direct labour organisations use staff across differing contracts.

The minister may have called for an urgent independent review of one aspect of the tendering process, but one can hardly feel confident of the outcome, given the fact that, in yesterday's *Evening Times*, the minister was quoted as saying that she is certain that the findings will not alter her decision.

The issue is about jobs, services, people and livelihoods. It is not about a minister behaving like King Canute and holding back the waves of indignation and concern. She should re-examine all aspects of a flawed process to arrive at the best possible solution and to find the most economically advantageous method of delivering trunk road management and maintenance.

I urge members to support the motion.

**Bruce Crawford:** On a point of order, Presiding Officer. I seek your guidance. When we lodged our motion, we did not know—formally—whether the Transport and the Environment Committee would review the whole tendering process; nor did we know whether the Minister for Transport would sign the contracts between the time of our lodging the motion and today's debate. We have a problem, and we need your help and guidance. I implore you to find a way that will allow the Parliament to express its wish that we delay the process and re-examine the tendering through the Transport and the Environment Committee. It is obvious that the chamber shares that view. We must find a way to reach a conclusion. What methods are available under standing orders to allow us to do that?

**The Deputy Presiding Officer (Patricia Ferguson):** It is always open to members to draft motions including such information. That opportunity was open to you, Mr Crawford.

**Bruce Crawford:** Was it?

**Tommy Sheridan:** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** Let me continue please, if you do not mind, Mr Sheridan. There are opportunities for members to produce amendments to motions at fairly late notice, but it is always our intention to be able to give members as much notice as we possibly can of amendments. That is why, this morning, we, unfortunately, had to rule out Mr Sheridan's amendment.

**Tommy Sheridan rose—**

**The Deputy Presiding Officer:** Is this another point of order, or is it on the same point?

**Tommy Sheridan:** It is on the same point: can you clarify the system that you are operating for amending amendments? Every member of all parties will agree that most of us find out about amendments to motions when we receive our business bulletins. As soon as I got mine, I read the Tories' amendment to the Executive's amendment. I wished also to lodge an amendment that summed up the will of everyone here. It was only a few words—to defer the signing of the contracts until the Transport and the Environment Committee had explored the matter.

**The Deputy Presiding Officer:** What I said earlier to Mr Crawford stands, but I would add that it is open to a member who so wishes to check with the chamber office to find out whether amendments have been lodged. The chamber office will co-operate with members to ensure that that process flows as smoothly as possible.

## Personal Care for the Elderly

**The Deputy Presiding Officer (Patricia Ferguson):** The next item of business is a Scottish National Party debate on motion S1M-1589, in the name of Mr John Swinney, on personal care for the elderly. There are two amendments to the motion. One of the amendments appears in the business bulletin. Copies of the second amendment are available at the back of the chamber, in the usual place.

11:02

**Nicola Sturgeon (Glasgow) (SNP):** In opening today's debate, I acknowledge that our motion was, to all intents and purposes, drafted by the Liberal Democrats. The SNP lodged it for debate in our Opposition time in order to give the Parliament an early opportunity to express its will on a matter of great importance to thousands of elderly people and their families throughout Scotland.

The debate has been prompted by something that the Government has not done. However, before I discuss that, I will first take a few moments to acknowledge what the Government has done. All members welcomed Susan Deacon's announcements on 5 October and yesterday that there would be more money for aids and adaptations and for better home care, a focus on bedblocking and a single needs assessment. All those commitments will make a positive difference to the lives of many elderly people in Scotland.

Let me make one thing absolutely clear. It is not the case—as the Government has implied time and again and as a certain London peer has said—that we face a choice between the initiatives that the Government has already announced and full implementation of the Sutherland commission's recommendations. This is not an either/or question. The payment of personal care costs for all elderly people in Scotland is an essential part of any package to make the system of long-term care fair and to improve the quality of life for all those who require long-term care.

The reason why we are debating the motion is that a majority of MSPs—I believe—and of the Scottish public think that the Executive has not gone as far as it should have gone, could have gone and was expected to go. I will deal with the "should" and the "could" later. Amid the claims and counter-claims about what full implementation of the Sutherland report will mean, it is important to restate clearly the simple but overwhelming case that personal care costs should be paid from general taxation.

First, I will deal with the matter of expectations. The reason why the reaction to yesterday's statement—which, given its content, or rather lack of content, was always going to lead to deep disappointment—turned to fury was that the Government, and the First Minister in particular, had over the past three months misled the people of Scotland. In the words of Maureen O'Neill of Age Concern Scotland, as reported in this morning's press,

"expectations were raised over the past eight weeks only to be dashed"

by the Minister for Health and Community Care yesterday. That is putting it mildly.

However hard Henry McLeish tries to rewrite recent history, the fact remains that he led Scotland to believe that Sutherland would be implemented in full. At the very least, that was how everyone in Scotland interpreted his remarks. The crucial point is that at no time did he or anyone acting on his behalf challenge that interpretation. He was happy to let Scotland believe that he was about to do right by Scotland's pensioners. He then allowed himself to be dictated to by his colleagues in London, letting Scotland down in the process.

I hope that, if nothing else, Henry McLeish pledges never again to play politics with an issue that is so important to so many people. It is no accident that the majority of people in Scotland—including MSPs, voluntary organisations, elderly forums, the general public, Malcolm Chisholm and, at least until last week, Henry McLeish—support Sir Stewart Sutherland's recommendations. They do so because Sir Stewart and his commission were right.

Long-term care for the elderly involves a range of complex issues—on that point, the Government is right. That is presumably why the Royal Commission on Long Term Care was established in the first place and why it was given a year to examine the issues and to come up with its recommendations.

Its conclusion was absolutely clear—it is wrong to charge people for personal care. I can put it no better than the Sutherland report did. The commission accepted that people should, where possible, make a contribution to living costs, but it stated:

"The costs of personal care as such are however quite different. These are the costs which, unpredictably and through no fault of their own, old people have to incur when unfortunately they can no longer be looked after at home or cannot be sent home after hospital treatment. They reflect the true risk and 'catastrophic' nature of needing long-term care.

In our judgement it is right for the state to exempt personal care from means-testing altogether. This is our key recommendation."

In other words, the Sutherland commission was saying, loudly and clearly, that it is wrong to ask people to pay for help with washing, dressing and going to the toilet. That is help that nobody wants to have to ask for, but that many people are forced to rely on, simply because they are old.

We do not now need review after review to consider the principle of the issue when the principle has already been established clearly and convincingly by the Sutherland commission. What we need now is an acceptance of that principle by the Government. Incidentally, that acceptance is contained nowhere in the amendment lodged by Richard Simpson. We need a commitment to full implementation of Sutherland and a detailed timetable for implementation. That is what the people of Scotland want and deserve.

Let me deal with the arguments that have been made against full implementation, starting with the assertion that to pay personal care costs for all elderly people is to target scarce resources at wealthy pensioners. Let me make it absolutely clear that we are not, in the main, discussing wealthy pensioners; we are talking about people who belong to a thrifty generation and who have managed to save a little, or people whose only asset is the family home. We are talking not about wealthy pensioners but about ordinary pensioners, who have contributed to society for their entire lives and deserve support in their old age.

Even to advance the argument about wealthy pensioners benefiting from full implementation is to miss the whole point of the Sutherland report. The point of the Sutherland recommendation is that it is the very nature of personal care, and the fact that it is such a lottery which of us will require it, that makes payment from taxation the only equitable way of resourcing it.

Secondly, there is the argument that we cannot afford to pay for personal care. The only figures that have been presented in the debate are those of the Sutherland report and those of Sir Stewart himself. The report concluded that implementing its recommendation would, by the middle of the century, add 0.4 per cent to the amount of tax revenues spent on long-term care. To my knowledge, that figure has never been seriously challenged.

The report costs implementation of its recommendation at £110 million per annum. However, as Sir Stewart has said, that is already an historical estimate because it takes no account of other commitments that the Government has made, such as to the provision of free nursing care. According to Sir Stewart, the gap between where the Executive was on Tuesday and where people want it to go is £25 million—again, that figure has never been convincingly challenged. Presumably, that gap has narrowed further since

Susan Deacon's announcement yesterday.

So, is implementation affordable? The First Minister seemed to think so on 15 January, when he asked in *The Scotsman*:

"Is anyone really suggesting that with the teachers and with Sutherland, that is money that cannot be made available out of our budget?"

Is anyone in the Government suggesting that we cannot afford to pay for personal care? I await the minister's answer. It is abundantly clear that until last week it was the First Minister's view that paying for the personal care costs of the most vulnerable people in our society was not only a priority for the Government but a policy that could be afforded.

This is not about affordability. It is an issue of political will, and today it is an issue about the will of the Parliament. There is majority support in Scotland for implementing the Sutherland recommendation and I believe that that majority is reflected in the Parliament. It includes, if they are honest, Malcolm Chisholm and Henry McLeish. Today is our chance to assert our authority as the elected representatives of the people of Scotland and say clearly to the Scottish Government that the Government is the creature of the Parliament, and not vice versa. I hope that MSPs of all parties will support the motion so that, together as members of the Parliament of Scotland, we resolve to do what is right for the pensioners of our country.

I move,

That the Parliament, while welcoming the further package of proposals to improve care for the elderly announced by the Minister for Health and Community Care on 24 January 2001, notes that it is the policy of the Liberal Democrats, SNP, Conservatives and others to introduce free personal care for the elderly as proposed in the Sutherland Commission Report and calls upon the Scottish Executive to make a similar clear, firm and unequivocal commitment together with a definite timetable for its implementation.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** On a point of order, Presiding Officer. At the beginning of the debate, you said—the *Official Report* will confirm this—that there was an Executive amendment, copies of which were available at the back of the chamber. It turns out that that amendment is in the name of Richard Simpson. Will you make it clear for the *Official Report* that the amendments are in the names of Richard Simpson and Tommy Sheridan, neither of whom are yet in the Executive?

**The Deputy Presiding Officer:** You are misquoting me, Mr Rumbles. I did not mention the word "Executive".

**Tommy Sheridan (Glasgow) (SSP):** On a point of order, Presiding Officer. What amendments have you accepted?

**The Deputy Presiding Officer:** I have accepted two amendments: one in your name, Mr Sheridan, and one in the name of Dr Richard Simpson.

11:13

**Dr Richard Simpson (Ochil) (Lab):** I begin by declaring that I am a director of a nursing home, although it operates in England and will not benefit from any action that is taken by the Executive.

The time has come for a mature debate on the care of elder citizens. Yesterday, according to Alzheimer Scotland—Action on Dementia, there was a major breakthrough. Why did that organisation use that term against the cacophony of soundbites from the SNP and the Tories? It did so because it recognises the reality of the future.

There has been a major breakthrough because we have radically challenged the basis of the debate. No longer will any elderly person or their carer have to decide whether the type of care that they receive is nursing care or personal care. That sterile debate is over. Now we have a Scottish solution to the problem. We have a care needs assessment system that will ensure that many more people will now receive the help that they need.

The discrimination against people with dementia, mental illness or learning disability, which was inherent in the concept of free nursing care, is over. The Parliament should now concentrate on the definition of personal living expenses. Not even Sutherland has ever suggested that those expenses should be anything other than a personal responsibility that is met through personal income, pension or benefits. No matter where people live—in a nursing or residential care home, or at home—they will have to meet their personal living expenses, assessed under the benefits system.

**Ms Margo MacDonald (Lothians) (SNP):** Will the member give way?

**Dr Simpson:** No.

The Parliament must recognise that even people in national health service units make a contribution to their personal living expenses, through the stopping of pensions above £15 per week after they have been in NHS units for six weeks.

Yesterday, the Labour-led coalition made it clear that we have begun a journey towards the renationalisation of health care, which the Tories privatised.

**Kay Ullrich (West of Scotland) (SNP):** Will the member give way?

**Dr Simpson:** No, I am sorry. The changes that have been announced represent a decisive break with the rest of the UK. Does the Opposition



welcome that? No.

**Nicola Sturgeon:** Yes, we do.

**Dr Simpson:** The SNP does not welcome the break.

The long-term care bill will offer an opportunity for the Parliament to hold a rational discussion about how we create sustainable funding for the long-term care of the growing number of elderly people who need it.

**Ms MacDonald:** I accept most of what Dr Simpson has said. Does he accept that the responsibility of the person being cared for to meet the costs of that care, commensurate with their means, can be operated through a system of income tax and a universal benefits system?

**Dr Simpson:** We have to decide and define where personal responsibility ends and the state's responsibility begins. I do not object to debating that matter on the basis of Sutherland, but we have to define that boundary on a sustainable basis, as the demographic pressures on the Parliament's budget will be substantial. The Parliament has an opportunity through the implementation group and the long-term care bill to define reasonable and sustainable boundaries between personal costs and the state's costs.

Instead of acting rationally and reasonably, the Opposition and—I regret to say—some of our coalition partners want soundbites. Rationally, if I were in opposition and had heard the Executive state yesterday that the end of the journey on which we had begun was free personal care, I would immediately have asked what constituted the free personal care that had just been agreed to and where the line would now be drawn. There will always be boundaries between what is personal responsibility and the responsibility of the state.

**Alex Neil (Central Scotland) (SNP):** Will the member give way?

**Dr Simpson:** I am sorry; I am in my last 60 seconds.

I tell our partners that, notwithstanding the efforts of the Tories and the SNP, whose sole purpose is to wreck the coalition—[*Interruption.*]

**The Deputy Presiding Officer:** Order.

**Dr Simpson:** The SNP's profligate promises to the Parliament amount to more than £5 billion. The SNP would wreck our budget and economy.

I appeal to our Liberal colleagues to join us. We believe, as they do, that we should move towards the restoration of the state's responsibility for the care needs of older people, but we recognise that this is a coalition and that Labour has a commitment to those in greatest need. We have commitments, which we will not abandon, to

central heating for the elderly, social inclusion and the extension of respite care to support our carers.

There is no dispute about what we want. Margaret Smith and Keith Raffan know the extent of my commitment to the goals that we share. I appeal to the Liberal Democrats to move beyond the rhetoric and ensure that the path that we are on leads to a common goal. I call on them to join us and not pander to the Opposition, whose sole purpose is to wreck the coalition. They should accept the responsibilities and disciplines of government and support the amendment.

I move amendment S1M-1589.2, to leave out from “, while” to end and insert:

“recognises that there are benefits in providing free personal care for the elderly; welcomes as a major step in this direction the further package of proposals announced by the Executive on 24 January 2001 which set out a process that will lead to a substantial extension of free personal care; notes that there are significant issues of cost and practicality in moving further and calls upon the Executive to broaden the terms of reference of the Development Group to require it to consider the practicalities, costs and implications of providing free personal care for all and to report by August 2001 with proposals that will inform the Executive's expenditure decisions for 2002-03 and beyond.”

**The Deputy Presiding Officer:** I should explain to the chamber that I will now call Mr Sheridan, who will formally move his amendment. He will speak during the wind-up speeches at the end of the debate.

**Tommy Sheridan:** I move amendment S1M-1589.1, to leave out “and others” and insert:

“the Scottish Socialist Party and the Scottish Green Party”.

11:20

**The Minister for Health and Community Care**

**(Susan Deacon):** I am glad that we are having this debate, as it is right and proper that, once and for all, we decide on some of the issues that are at the core of the challenges that we face in delivering better and fairer care for older people in Scotland. I want a better and fairer care system—I think that all of us want that. We want greater equity and higher quality and we want more and better services. The challenge for Government is how to deliver that care to people.

Already, this Executive has made clear our commitment to Scotland's older people, not only in words but in deeds. Last October, we announced a massive investment package of £100 million a year. That is the biggest ever investment in older people's community care services in Scotland—real measures and real investment to deliver better and fairer services throughout our country.

Alongside that investment, we have provided concessionary fares and warmer homes for older

people, again backed by investment, action, changes to the organisation and to the design of services and, where necessary, legislative change. Those actions will benefit tens of thousands of Scotland's older people.

**Mr Rumbles:** Will the minister give way?

**Susan Deacon:** I thought that those of us who supported the creation of the Parliament spent so long arguing for it in order to make a difference to the lives of the Scottish people.

I will take a quick intervention from Mr Rumbles.

**Mr Rumbles:** I respect the minister's comment that we want a fairer system for the delivery of personal care. However, we do not want people to fall through the net because their assessment is wrong. For example, on the income supplement, people fall through the net of the minimum income guarantee. That is the point.

**Susan Deacon:** I have only a few minutes, but I will deal with Mike Rumbles's point. I do not want people to fall through the net. I do not want to make promises to people if I am unable to say when and how those promises can be delivered. I do not want to tell someone that they will receive free personal care if I cannot have the confidence to say that the services are in place to deliver that care. I do not want to tell people that they are going to have free personal care if I cannot say when or how they will receive that care. I do not want to say to people that they will receive free personal care if the consequence of that promise is that other services may ultimately need to be cut. In the Health and Community Care Committee's report of its year-long inquiry into community care, the committee said:

"Clearly the decision to make personal care available free of charge means money is no longer there to be spent on other aspects of community care".

Yesterday, I said that we were determined to create greater fairness and greater equity in the care system. We are ensuring that everyone, universally, will get free nursing care. As I said yesterday, we are pushing out the boundaries and extending the provision of free nursing and personal care to those in greatest need, in order to ensure that some of the greatest inequities in our care system, which affect people with conditions such as dementia and Alzheimer's disease, are addressed once and for all. Those measures will create greater fairness—they are not hollow words, empty rhetoric or promises that cannot be fulfilled. They are real measures that will make a difference to the people of Scotland.

Even the SNP spokesperson said today that she welcomes everything that the Executive has done to date. No one has advocated that we are doing anything that should not be done. No one has said that we should not make progress on the

community care agenda. We want to make progress on that agenda. That is why we set out clearly yesterday that care of the elderly would be a top priority for additional investment and why we said that we wanted to examine all the issues involved in extending the boundaries of free care and in improving long-term care.

We will examine the relationship between care and the benefits system. We will examine funding flows through all the other funding streams that come into community care. Malcolm Chisholm's group will advance that work over the next six months and that fixed time scale will feed into our legislative programme. We want to ask the questions and we want to come up with the answers. We want to base our policy and investment decisions on facts, not rhetoric.

If we promise change and improvements for older people in Scotland, we will deliver change and improvements for older people in Scotland. We will say when we will do it and how we can do it. We will explain the consequences of making changes and we will ensure that we deliver change. That is the Executive's commitment; the measures that I set out yesterday demonstrate how that commitment will be met. It is a pity that, on an issue on which we share so many objectives, we now dance on the head of a pin of words, when we all want to deliver change.

11:25

**Mary Scanlon (Highlands and Islands) (Con):**

The Conservatives welcome both the debate and any move that would benefit the care of the elderly. We also look forward to the Health and Community Care Committee's debate in the chamber in February. Today is an opportunity for all MSPs who are committed to personal care for the elderly to vote for it.

Not only is the Executive's response to the Sutherland report disgraceful, but the Minister for Health and Community Care's response to the Health and Community Care Committee's report is overrun by references to the joint future group, which she set up. It is clear that she responded in that way in order to state the Executive's case and to overshadow the committee's report with her ideas. I find it galling that other ministers are able to work effectively with their subject committees, while the Minister for Health and Community Care continually drives a wedge into what could be an excellent working partnership.

I will examine the background to the debate. In 1997, the Royal Commission on Long Term Care was set up. The Sutherland report was published about 18 months later. We are now two years down the line from the Sutherland recommendations. We believed that Labour could

not procrastinate any longer with focus groups, strategies, commissions, reviews and working groups, but what do we get? A development group.

If the minister wants to hear a soundbite, I will give her one from Alzheimer Scotland, which said:

"the Development Group is a stalling device."

The reason for the additional delay centres on the definition of personal care, which is set out clearly at chapter 6, page 68 of the Sutherland report. The report says that personal care

"falls within the internationally recognised definition of nursing, but may be delivered by many people who are not nurses"

and should be based on assessment of need, not on demand.

How can the Executive and the Minister for Health and Community Care have any respect for old age when the minister recommends that free care should be provided only to those dementia sufferers with the greatest need?

**Susan Deacon** *rose—*

**Mary Scanlon:** I want to finish my point.

Dementia can only get worse. The minister is setting up a system that will continually test and assess the frail and elderly until they are sufficiently ill to fit her definition. How cruel and demeaning can she be? When she considers her views on personal care, will she follow the advice of the chief nursing officer? Point 29 of the report by the chief nursing officer for Scotland's group on free nursing care states that those who refuse assessment

"need to be made aware that to do so will prevent their nursing care being paid for."

Point 26 says that

"reassessment of need should be as frequent as the person requires".

Where do respect and dignity fit into that approach? The care of someone with mild dementia is not paid for. The care of someone who is cantankerous, thrawn or downright independent is not paid for. Someone who values their self-respect, dignity and independence in old age gets no help. However, someone who submits to endless assessments until they finally fit the new Deacon definition of personal care might just get help. What does it profit a man to gain the minister's grudging, tight-fisted measure of personal care if he loses all his dignity and self-respect on the way?

As Alzheimer Scotland says, the development group is a delaying tactic. We know that the vast majority of Labour members support the funding of personal care for the elderly. Today, they have run

out of excuses and run out of time. Today is their opportunity to help old people in Scotland.

**Dr Simpson:** Will the member give way?

**Mary Scanlon:** No—I am on my final sentence.

There is political will in the Parliament to give our old folk care, dignity and security in their old age—can Labour members afford not to support the motion?

11:30

**Mr Keith Raffan (Mid Scotland and Fife) (LD):**

There are two issues at the heart of the debate. First, the principle of free personal care for all older people: an issue on which there is a genuine difference of opinion between the Liberal Democrats and Labour ministers. The second is that of the status of the Scottish Parliament and the extent to which the Executive is not just sensitive but responsive to the clear will of members of the Parliament.

The Scottish Parliament is not Westminster and Holyrood is not a rubber stamp for an all-powerful UK Government. The Scottish Executive is a partnership that has formed a coalition Government between two parties. Ministers cannot get what they want simply by driving it through using a large majority: there is no large majority. They have to persuade and convince; the Executive cannot command support, it must win it.

I will start by saying what we in the Scottish Liberal Democrats want, and why. We want the Executive to make a clear, firm and unequivocal commitment in principle to free personal care for all older people, with a definite timetable for implementation. We do not expect that to happen overnight. Indeed, our own federal pre-general election manifesto stated that the Liberal Democrats

"aim to provide free personal care for those in long-term care, by the end of the next Parliament".

That means by either 2005 or 2006. Being in government means living in the real world. The timing of implementation is a matter of resources and of when those resources become available.

We welcome the minister's announcement yesterday of a development group on long-term care. That group will build on what has already been achieved and carry forward work on implementation. Members need to know as precisely as we can how many older people would be eligible for free personal care and what the cost would be—then we will find out whose estimates are closer to reality, Stewart Sutherland's or David Lipsey's. I know whose estimates I would back.

Why do the Liberal Democrats believe in free personal care for all older people? I do not intend

to rehearse the arguments in detail: they can be found in the reports of the Sutherland commission and the Health and Community Care Committee. The arguments centre, of course, on fairness. They centre on equity. They centre on delivery of service to all in need. All their lives, older people have expected to be looked after and cared for in their old age. They have paid national insurance with that expectation in mind. They should not have to face their final years in fear.

Targeting, or restricting, resources to the most needy requires means-testing. It will also result in increased bureaucracy. Worse, it will lead to a lower take-up of what is, for many, a badly needed benefit. Means-testing is stressful for those who have to go through it—and especially so for the elderly. Means-testing does not easily equate with the dignity and respect that is the right of older people.

**Susan Deacon:** Does Keith Raffan agree that the implementation of the Sutherland report would not result in the abolition of means-testing? Does he also agree that the single needs assessment process that I announced yesterday—which is to be piloted this year and rolled out next year—will lead to a reduction in bureaucracy in the system?

**Mr Raffan:** I am about to pay some tribute to the minister. I accept what she says and I accept that the Sutherland report includes means-testing, particularly of living costs, but we are talking about the element of free personal care. The minister talked about an argument on the “head of a pin”. It is that small—we are dancing on the head of a pin. If it is that small, why will the Executive not move towards our position? Why is the minister being so stubborn? Why is she so reluctant to move in principle?

We are proud of what the Executive has achieved so far for the elderly. I might add that I have a high respect for the minister. I have three health boards in my constituency that are confronting major issues and facing serious problems. Hers is no easy task. Despite a £5.5 billion plus budget for the national health service in Scotland, there is no surfeit of resources. Resources are scarce and there is competition for them everywhere.

The minister was right yesterday when she said that much has been done; she was also right when she said that much remains to be done. The Liberal Democrats welcomed her October announcement as a landmark for older people in Scotland. She had every right to claim that that package of proposals, investing up to an extra £100 million a year, would deliver radical change for the elderly—far more than Westminster has so far delivered. That is entirely to the Executive's credit.

We welcome the additional measures, with resources to match, that the minister announced yesterday, to extend the provision of free care to many more older people in Scotland—and especially to dementia sufferers who are in desperate need. We welcome the decision that additional resources for long-term care will be a top priority of this Administration. All the sadder then—from our perspective and in view of the Executive's distinguished record of achievement for the elderly—that the minister cannot bring herself to take that one further step and commit the Scottish Executive in principle to free personal care for all older people.

We are with the Executive on the journey towards improved care for the elderly; it is the ultimate destination on which we differ. There is a genuine difference between us on the Liberal Democrat benches and Labour ministers. However, a difference of opinion is not a ground for divorce. It may be uncomfortable and unsettling for both parties, but working to ensure that the current tension between us is creative—and positive in outcome—can lead to the maturing and strengthening of our relationship.

What we seek today is not the defeat of the Executive but a victory for the elderly—a victory that will make a real difference to their quality of life and a victory that will accord them the respect and dignity they deserve. And yes, we seek a victory for this Parliament too—one that will mark a further step in our development and a significant stage in our growth towards the mature and powerful Parliament for which the Scottish people voted and which our country deserves.

11:37

**Christine Grahame (South of Scotland) (SNP):** Richard Simpson referred to beginning a journey with the development group. As Mary Scanlon said, that journey began on 4 December 1997, when the royal commission was required to report, within 12 months, on long-term care for the elderly. It did. The report has since lain around for nearly two years. Do not frown at me, Labour members, I am coming to the point.

The Health and Community Care Committee took it upon itself to follow up the work of the report and it produced its own recommendations. I commend Mary Scanlon, Margaret Smith, Kay Ullrich and many others for that. I, too, followed up on it, lodging the first motion in Parliament calling for full implementation of Sutherland on free personal care. I proposed a member's bill at the same time. Since then, I have tinkered with that bill and put it on the back burner because I thought—I foolishly thought—after hearing Mr McLeish's words in this chamber that Labour would deliver on free personal care. Mr McLeish

flirted and teased, here and in the press, on this serious and crucial issue. Today, we are coming to a test for this Parliament on delivery for Scotland's elderly people.

Down south, Labour's parliamentary colleagues say that implementing Sutherland in full would help rich pensioners. Well, yes—all these years since 1997, rich pensioners have been selling their council houses to pay for their personal care. Richard Simpson knows that not all pensioners who are selling their houses are suffering from dementia; many are sentient and know that they are losing their homes and their possessions. Families sometimes lie to them and tell them that their homes remain. Of course the personal care that they seek is not free: they have paid for it for years, with their taxes and national insurance. All they ask is the same treatment and care in their old age as others expect in a civilised society.

Yesterday, the minister announced a review. There is to be a report in another six months—conveniently after a general election. The leader in *The Scotsman* today is headed:

"McLeish plays for time on care of the elderly".

I count the delay from 1997 to now at three and a half years—not bad at playing for time.

The one thing that Scotland's frail elderly do not have is time. The delay is the Executive's disgrace. There is a coalition in the chamber on behalf of Scotland's elderly. I hope that the Parliament will tell Scotland loudly and clearly that across this chamber we stand by Sutherland and we stand by the frail elderly. That coalition is asking with one voice on personal care—when?

11:40

**Mrs Margaret Smith (Edinburgh West) (LD):** I will read from the report of the Health and Community Care Committee on the delivery of community care in Scotland:

"The Committee welcomes the steps that have been taken towards implementation of several of the key recommendations within the Sutherland Report. It is persuaded however by the substantial body of evidence presented to it that there should be no charge for services assessed as being required to meet the personal care needs of an individual. It therefore recommends to the Executive that free personal care should be provided on the basis of assessed need."

That was signed by members of all the major parties in the Parliament, including Richard Simpson, despite the impression he has given today.

This morning, I just happened to open the committee report at a page with a comment by Malcolm Chisholm, from 31 May. On the Sutherland report he said:

"I do not agree with the minority report".—[*Official Report, Health and Community Care Committee, 31 May 2000; c 972.*]

The support in the chamber for free personal care knows no bounds: there is support for the coalition for Scotland's elderly from the Deputy Minister for Health and Community Care and other ministers from both parties and from members from every party in the chamber.

As Keith Raffan said, there are two fundamental issues. The first is about policy—what is fair, what is right and what will deliver the best possible community care services. The second is the power of this Parliament. I thank John Swinney: by withdrawing his motion on the powers of the Parliament, he has given us the opportunity to debate these issues. I hope that today we send out a very clear message about the power of the majority will of the Parliament, which is to listen to professionals, carers and users of services, as the Health and Community Care Committee did.

This is about making prudent use of finance. I have not heard anyone, today or in the earlier, long debates on the issue, call for free personal care to be delivered next week, next month or the month after that. However, we are the voice of our country: if this is the majority will of the people in this chamber, then let it be spoken and acted on. That would be the right course of action.

Yesterday, the Minister for Health and Community Care set out important steps on the journey towards achieving free personal care. As she said today, we are dancing on the head of a pin. That is why those of us who are disappointed feel that way—because we are almost there. The minister is responsible for a very great deal of the good work and progress that has been made. Yesterday, she said that people in Scotland are not interested in aspirations. If that were so, most of the Executive documents over the past year and a half would not have been printed.

Aspiration is about what we are, who we are, what we believe in and what we want to see happen for our country. We must send a message to people that we must be prudent, we must take forward work over the next six months, we must audit how the community care pound is spent and we must find the best way to put joint working into practice. There is a lot of work to do to untangle ourselves from the benefits system across the UK and the cross-border links and the possibility of people hobbling across the border into Scotland with their zimmers. What the Health and Community Care Committee wants—and what the Scottish Liberal Democrats want—is a commitment to the end of that process; a commitment that could begin today with the majority will of the Parliament being stated loud and clear.

The issue is not one of wealthy pensioners but of attacking thrift and personal responsibility. Despite the welcome announcement by the Minister for Health and Community Care yesterday on single assessments, it is about leaving in place charges for services. It does not matter whether it is called personal care or nursing care or whatever, some people will still be charged. As the Royal College of General Practitioners made clear to the Health and Community Care Committee, some people will not get the services they require and the care they should have.

The minister and the Executive have gone further than their colleagues in England and Wales. In October and yesterday, they put in place a good package of measures to improve things for the people of Scotland. However, the final step is still left. Today the Parliament has the opportunity to say that we want to take that step. It is right for Scotland's pensioners and for Scotland's Parliament.

11:45

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** This morning's debate has focused on one issue rather than surveyed the big picture of how we treat and look after our older people who are in need of care. The Health and Community Care Committee took more than 10 months to complete its investigation into the delivery of community care. Yesterday, the Executive published its response to the committee's recommendations. It is a disservice to this chamber to use it to ignore the committee's recommendations and the Executive's positive responses and to pursue just one issue in isolation.

It is recognised that care needs must be assessed and that they must be understood in the same way throughout Scotland. The chief nursing officer undertook the task of considering, for the first time, what nursing care comprises. That report also was published yesterday and it confirms the way forward recommended by the Health and Community Care Committee. The success of that approach depends on all in the care stream being signed up to the process. It is right that a larger pilot of the care needs assessment package for the elderly should be conducted and evaluated before it is rolled out across Scotland. The value of evidence-based best practice was recognised in the committee's report.

The complexity of current funding and services was made clear to the members of the Health and Community Care Committee by the many individuals who gave evidence. A simplified, equitable and transparent system based on assessed need was called for. The committee

recognised that that could not be achieved overnight and that significant work would be needed. The commitment to undertake that work was given by the Executive yesterday.

I quote the Executive's response to the committee:

"We agree with the Royal Commission that greater equity should be achieved in charging for care and that existing anomalies should be addressed. We committed ourselves to start by ending the anomaly whereby nursing care was charged for in some settings, but not others. We made clear our determination to adopt an approach which was person centred and based on need. The report of the Chief Nursing Officer's group on free nursing care makes detailed proposals for a move to a single needs assessment for each individual requiring care. The proposed approach is person centred and recognises that different individuals have different levels of needs, often resulting in a complex mix of care needs which do not fit neatly into boxes."

As a member of the Health and Community Care Committee, I recall the collective desire of those who gave evidence to ensure equity, the individuality and dignity of our older people and that appropriate services should be provided for them. I believe that we have embarked on doing that and I commend Richard Simpson's amendment.

11:49

**Mr Duncan Hamilton (Highlands and Islands) (SNP):** I will begin by doing two things I thought I never would. The first is to praise the Liberal Democrats for making a stand on principle—they deserve a degree of credit for that. I ask them to resist Richard Simpson's overtures on returning to the fold. I must tell Margaret Smith that a rough wooing might be the way to describe it. Today could be a defining moment for the Parliament; I hope it will be. After this debate and after the motion is, I hope, passed, the fight must continue within the coalition. The issue will not be resolved today and we have no assurance from the Executive.

Secondly, I will come to the defence of the Minister for Health and Community Care—for once. It is unfortunate that she has been left carrying the can for the debacle. Henry McLeish is the person who told us, in all but the detail, that he was going to go down this road. It was Henry McLeish who engaged in the cruel flirtation with Scotland's elderly yet, in an act of unparalleled cowardice, fled the field and left the minister to pick up the pieces. Surely the role of the Minister for Health and Community Care is to fight against that—she should be arguing the case within the Government.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Will the member give way?

**Mr Hamilton:** No.

The minister did not do much to her credit when she told us why she would not give us a principled commitment to free personal care. She said that she would not give an open commitment until she had worked out the details of implementation. What has been happening in the two years since Sutherland was published? That was the time for the reviews and thoughts on implementation. That was the point at which the minister should have been taking forward not just the points that the Executive has been praised for—

**Susan Deacon:** Will the member give way?

**Mr Hamilton:** No.

Two years on, the minister should know why we should progress and how it should be done. We know that the Executive displays a stubborn refusal to listen to civic Scotland. Dr Simpson told us that that is Opposition carping. I suggest that when the British Medical Association, Scottish Care, Help the Aged, the Royal College of Nursing and Age Concern Scotland come together to say that they are hugely disappointed with the package—Maureen O'Neill from Age Concern Scotland described yesterday's announcement as the worst of both worlds—it is not Opposition carping, but the genuine concern of the Scottish community.

We know about the arrogant dismissal of the conclusions of the Scottish Parliament's Health and Community Care Committee. There was unanimous agreement—including Malcolm Chisholm, who is now the Deputy Minister for Health and Community Care—that there should be universal free personal care. That position included Richard Simpson, who, today, has conveniently forgotten that. We know that the situation puts Malcolm Chisholm in a difficult position. However, if the committee or the Parliament and its structures mean anything to Susan Deacon, she must listen to the unanimous, cross-party view.

We do not know where we go from here. Last night, on "Newsnight Scotland", Malcolm Chisholm was asked several times what would happen if—or, indeed, when—the SNP motion was passed. What will be the Executive's response to the majority of the Parliament saying that we believe that personal care should be free? Will that view be resisted or accepted by the Executive? I would be happy to give way to the minister now, if she would clarify that point. I see that she intends to remain seated.

There has been much talk about a constitutional crisis and what will happen to the coalition. I do not care what happens to the coalition and whether it stays together or breaks down. I care about the will of the Parliament being ignored. If the unanimous view of the majority of members is

that personal care should be free and the Executive decides to ignore the Parliament, it will set an astoundingly dangerous precedent.

The Parliament is not here for the Executive or the parties of the politicians—it is here for the people of Scotland. Yesterday's announcement let those people down. Today we have an unrivalled opportunity to put the record straight and to say, as a country and as a Parliament, that we believe in universal free personal care. When the Scottish Parliament says that, the Executive had better listen.

11:53

**Bill Aitken (Glasgow) (Con):** Let us be clear about one thing: this morning's debate goes much further than the rights and wrongs of the full implementation of the Sutherland report. Surely that argument is finished. Every member of the Parliament is personally committed to Sutherland and only the Labour component of the coalition is dragging its heels on the subject. The arguments in support of full implementation are compelling and have been articulated well by many members. Everyone has accepted those arguments. I draw the Parliament's attention to the report of the Health and Community Care Committee, which recommended full implementation and to which Malcolm Chisholm—then a member of the committee—signed up quite happily.

The issue is not now about care and compassion for the elderly—to which I know we are all committed; the issue is the personal credibility of the First Minister. In interview after interview, news feature after news feature, report after report and in replies to parliamentary questions, the First Minister implied strongly that Sutherland would be implemented in full and in the near future. Now, the hopes of many elderly people and their relatives have been dashed because Henry McLeish cannot deliver.

When such things happen, one must wonder about the relationship between the Executive and the Westminster Parliament. Like Duncan Hamilton, I have a scintilla of sympathy for Susan Deacon. Over the past few weeks, her statements have been much more circumspect than have those of Henry McLeish. Her caution was clearly well founded. If the minister feels some inhibition and embarrassment in having to explain the situation to organisations such as Age Concern Scotland, she would be entitled to feel that she has been sold the hospital pass and left without a prayer by the First Minister.

However, any sympathy for Susan Deacon is dispelled by the fact that she is part of an Administration that has spun mercilessly over recent weeks and has built up the hopes of

thousands of vulnerable people in Scotland, only to dash them at the last minute. Labour, and Henry McLeish in particular, has been left without a shred of credibility in the matter. It is clear that Mr McLeish has been unable to carry Treasury ministers at Westminster with him in what he was seeking to do. That speaks volumes about his credibility at Westminster as well.

It is clear that the implementation of Sutherland has a cost. The Conservatives would not pretend that such issues have anything other than the most far-reaching consequences for the future of health spending provision. The Conservative party prides itself on a fairly hard-headed approach to financial issues. We thought long and hard about how the Sutherland proposals could be funded and supported and came to the inescapable conclusion that we could no longer be party to a system where prudence is penalised. We recognised the agony being suffered by many elderly people and their relatives. In common with the Scottish National Party, the Liberal Democrats, the Scottish Socialist Party and the Green Party, we recognised that such injustices had to be remedied and that the proposals should be implemented in full, immediately.

Is it not the ultimate irony that the first crisis that the Executive and the Scottish Parliament faces as a result of the devolution settlement should arise not out of the activities of the SNP, which is committed to independence, but because Gordon Brown refuses to put his money where Henry McLeish's mouth is?

11:57

**Ms Sandra White (Glasgow) (SNP):** The minister said that she is glad to have today's debate. I am not particularly glad that we are having the debate and I am not glad to speak in it. I am not glad about it because the debate should and need not have happened. It could easily have been avoided if the First Minister—unfortunately, he is not here—had had the courage of his convictions. This, as we all know, is the Scottish Parliament and the Executive is—in Mr McLeish's words—the Scottish Government. It is time that everyone, particularly the Scottish Government, acted on behalf of the Scottish people.

I am convener of a cross-party group on the elderly. In that role, I have met numerous groups across Scotland and the topic that is raised most often is the Sutherland report and its implementation in full. I see that Malcolm Chisholm has turned to speak to one of his colleagues. Perhaps he should be listening, given that he was the former joint convener of the cross-party group. Clearly he is not listening, just as he did not listen to most of the people who spoke to him at the cross-party group.

I would like to mention a couple of people who were involved in the cross-party talks with Malcolm Chisholm and me: Phyllis Herriot and John Wilson of the Scottish Pensioners Association. Those people, among others, came to our cross-party group in the faith that we would listen to them and perhaps put forward their concerns and those of the pensioners whom they represent. Those people have been let down by the Labour part of the Scottish Government. Malcolm Chisholm should think about that.

On several occasions, Henry McLeish made announcements to the newspapers about the implementation of the Sutherland report. He gave hope to such people, who took the time to visit us. He gave them hope and then snatched it away.

I will give Age Concern Scotland's comment: the world is divided into two sorts of people—those who care and those who do not; those who have had to deal with the difficulties of arranging and paying for the care of older people and those who think that old age and its attendant difficulties are nothing to do with them.

Tony Blair has indicated that the Government seems to believe that the majority of the electorate are in the latter category. Let us not allow the Scottish Government to be in the latter category.

**The Deputy Presiding Officer:** There are still two members who wish to speak. I can accommodate them both, if they will be brief.

12:00

**Donald Gorrie (Central Scotland) (LD):** I join those who paid tribute to the minister for the progress that we have made so far, which is welcome.

On the basic issue, let me give the analogy that we are walking in the same direction, but the terminus of our walk is free personal care. Getting there might take some time, and we might have to wander round a few hills and glens, but we must get there. There is all the difference in the world between stating that our commitment is to get there and saying that various groups will examine the issue and something might happen.

The key point is that on a fundamental issue, the minister and some of her party—perhaps the whole of her party, although I do not believe that—believe one thing. If they do so in good conscience, there is nothing wrong with that—the majority in the Parliament believes something different. We have to have a mechanism so that the Parliament's will prevails. That means that the ministers must take account of the views of Parliament. They cannot just sail on as if nothing has happened at all.

I know that it is difficult for people who have



been brought up in the Labour party tradition to accept losing votes. I have spent my whole life losing votes. I have probably lost more votes than anyone in recorded history, having been in two councils for many years. It does not mean that someone is bad or wrong if they lose a vote—I have been consistently right and lost all the votes—but in this case, the Executive has to accept that the majority of the Parliament, coming from different angles but doing so conscientiously and based on good information, such as that from all-party committees and that contained in the Sutherland report, believes that something should happen, so something must happen. It does not mean that the Minister for Health and Community Care has to run up the white flag and say, “I abjectly surrender”, but the policy of the Executive must be modified significantly to meet the majority wish of the Parliament. If it is not modified, there will be serious trouble, and I will do my best to create it.

12:03

**Ms Margo MacDonald (Lothians) (SNP):** I promise to be right beside Donald Gorrie when he does his best to create trouble. I add my weight, which is shrinking fast, to that.

I shall address only two points of principle, because I do not pretend to be an expert on the matter, and I defer to many of the Labour members who have spoken, with whom I have a disagreement today, because in this area they have expertise that I do not share. However, we once did share a belief in the principle of the universality of benefits and services so that people do not fall through the cracks. I urge those Labour members who still share that belief to realise that the tremendous advances that the Minister for Health and Community Care outlined with regard to needs and care assessments, and the amalgamation of different styles of caring, can be accomplished while achieving the aim of universality.

We have a sophisticated taxation system now, which can be used in a way that previous generations could not do to achieve the dream of universality and equality. I urge the minister to accept the principle of universality of service provision. The people whom the Minister for Health and Community Care reckons can afford to pay and should not be supplied with free services—unlike those whom she wishes to target with means-testing—will still be caught in the net of income tax. There is a way to achieve the principles that are being espoused in the chamber, while achieving what the minister is trying to do in the Executive, or Government.

**Ian Jenkins** *rose*—

**Ms MacDonald:** Briefly, I will mention the other principle, because that is the one on which I think Jenkins will want to intervene.

The second principle is that which Donald Gorrie spoke about. There is no use in having a Parliament if it does not speak for the people. We know what the people say. I urge everyone to listen to them, but I will listen first to Jenkins.

**Ian Jenkins:** We all agree that we are approaching the debate from the correct angle, but I worry that we are in danger of sending out a message to old people that they will never, ever have to sell their house to look after themselves in their old age. If we are talking about spin and unrealistic expectations, we must ensure that that is not one of those expectations.

**Christine Grahame** *rose*—

**The Deputy Presiding Officer:** I call Margo MacDonald.

**Ms MacDonald:** I do not mind if other members speak.

**The Deputy Presiding Officer:** Please close, Ms MacDonald.

**Ms MacDonald:** Right.

I am sorry that I cannot guess from this distance what my colleague Christine Grahame might have said. She might have wanted to say, “Ian, we’re nowhere near that yet.” We are nowhere near the spin on and the interpretation of the outcome of the debate. We are still trying genuinely to debate the issue.

The debate revolves round two principles: long-term care, and the status and effectiveness of the Parliament in meeting the aspirations of people in Scotland.

12:06

**George Lyon (Argyll and Bute) (LD):** I thank John Swinney for making available some of the SNP’s time to debate a motion from the Liberal Democrats. In view of yesterday’s statement, it was important that the Parliament had a chance to make its views known.

Richard Simpson has lodged an amendment, which Duncan Hamilton rightly described as rough wooing. The level of support for Richard’s amendment was shown by Margaret Jamieson’s supporting speech, which she made through gritted teeth, to say the least.

Richard Simpson talked about demographics and about where the line is drawn between the state’s responsibilities and those of the elderly pensioner. Sir Stewart Sutherland dealt with that in his report and described the demographic issue as a red herring. He drew the line between state

support and the responsibility of the individual, by ensuring that hotel and living costs remained the individual's responsibility. The line is drawn. Richard Simpson's last point was that the Liberal Democrats were pandering to the Opposition. Richard is pandering to London, and that is the problem.

I recognise that the Minister for Health and Community Care and the Executive have gone a long way in delivering Sir Stewart Sutherland's recommendations. Yesterday's announcement took us slightly further along that road, but not the full distance. Why was the Minister for Health and Community Care unwilling to take that last step? She talks about dancing on the head of a pin. It is she who is dancing on the head of a pin. We agree with everything in the statement—it is what was not in the statement that we disagree with.

We all know the First Minister's position. After the previous debate on long-term care, when pressure from Labour and Liberal Democrat MSPs kept the door open, Henry McLeish started to walk through the door. In the media, we have been led to believe that the decision was a done deal. Why? Given the cross-party support for that deal and the unanimous backing of the cross-party Health and Community Care Committee for Sir Stewart Sutherland, why on earth did the First Minister raise expectations to such a level, only for the Minister for Health and Community Care to dash them completely yesterday? We must ask that question. I hope that the minister answers it.

The debate boils down to one simple question—are the minister and rest of the Executive willing to accept the will of Parliament and the wishes of the Scottish people, or will they ignore them? I ask the minister to recognise that—as Keith Raffan pointed out—this is not Westminster. No party here has a majority in its own right. The minister must recognise that, if the Parliament expresses the view that Sutherland should be implemented, that is precisely what must happen.

12:10

**David McLetchie (Lothians) (Con):** It is clear from the speeches in the debate today that a majority in the Parliament supports the implementation of the Sutherland recommendation of free personal care.

I take pleasure from the fact that, back in September, we were the first party in the Parliament to introduce a motion and a debate on the matter, and I welcome the support that we received then from the Scottish National Party and a few Liberal Democrat members. I also welcome the fact that the majority of Liberal Democrats appear to have changed their position on the matter and are supporting Nicola Sturgeon's

motion on behalf of the SNP. That is a very generous sentiment.

**Mr John Swinney (North Tayside) (SNP):** Will the member give way?

**David McLetchie:** I am sorry, but I have only a few minutes.

The only missing link in the Parliament is the Scottish Executive, although we know that there are many in the Labour group who do not support the Executive's position. Not so long ago, one of them wrote:

"It is equitable that individuals should pay for their own personal living costs wherever their place of residence, but have personal care and nursing care costs met out of taxation. It is what the current generation of older Scots had expected in paying their tax and National Insurance over a working lifetime."

That was Dr Richard Simpson in *Holyrood* magazine in September last year. It is not the Dr Richard Simpson whose intemperate speech—highly uncharacteristic of him—was delivered in the chamber this morning. If this is the major breakthrough that he claims—and that the minister claimed in her statement yesterday—I ask him, on the basis of his experience, how many of the 8,000 people in residential care in Scotland will benefit from it. What dent will be made in that tally by the minister's announcements yesterday?

Dr Simpson spoke about renationalisation of health care—that is absolute nonsense. As he well knows, since the inception under his party of the national health service in 1948, people have had to pay for personal, nursing and living costs in residential and nursing homes. People are living longer, so what has changed is the scale of the problem, which must have more resources devoted to it. To talk about renationalisation of health care is complete and utter nonsense.

**Dr Simpson:** Will the member give way?

**David McLetchie:** I am sorry, but I have only a few minutes.

As Nicola Sturgeon said, we know that the issue is not one of affordability. The money is effectively there. It is a tiny fraction of the total health budget, and less than last year's underspend in the Scottish health budget, which was £135 million. It is less than lumberjack McConnell filched from the health budget last year for Scotland's trees and to pay for the landscaping of the Scottish Parliament building.

**Susan Deacon:** Will the member give way?

**David McLetchie:** No.

Let us not pretend that lack of money is the problem. Why is the recommendation not being implemented? One explanation that has been advanced is that Mr McLeish and the rest of the

Executive wanted to go ahead, but were blocked by the Prime Minister and his emissaries. It is all to do with control from London by Labour.

It may well be a matter of internal party management. There may be internal party reasons, bound up in the Westminster Government and the Labour general election campaign. However, there is another explanation. Keith Raffan asked why the minister is so stubborn. The fact is that there is a body of opinion within the Labour party in Scotland, led by Susan Deacon, which is implacably opposed to the principle of free personal care. That body of opinion is stubborn because it regards the 8,000 people in residential homes in Scotland as wealthy, and it does not intend to devote any additional resources to them.

As Christine Grahame and Bill Aitken said, I do not call someone living in a £30,000 former council house rich or wealthy; such a person does not regard themselves as rich or wealthy. It is an issue of fairness. Those people have paid into the national health service throughout their working lives. Now, in their hour of need, they feel that they have earned the right to be looked after. As Bill Aitken said, their prudence should not be penalised.

It is quite clear from the contributions to today's debate and from the way it has gone over the past six months that the Labour Scottish Executive has lost the argument. Susan Deacon has lost the argument, so why does not she quit while she is behind, accept the terms of the motion and act on it?

12:15

**The Deputy Minister for Health and Community Care (Malcolm Chisholm):** Nicola Sturgeon and Margaret Smith referred to my previous views. I am happy to refer the whole chamber to the speech that I made on 28 September, when I said that free personal care was a priority, but so was the expansion of home care and respite care and the ending of delayed discharges, so that everyone can get appropriate care wherever they happen to be. That is the big picture that Margaret Jamieson was referring to.

**Shona Robison (North-East Scotland) (SNP):** While he is reminding us of what he said in the chamber, perhaps the minister could also comment on what he said when he was a member of the Health and Community Care Committee:

"Ultimately, we should not change what we think because of what the Executive thinks".—[*Official Report, Health and Community Care Committee*, 6 September 2000; c 1148.]

What has changed for him since then?

**Malcolm Chisholm:** I have just told members

that nothing has changed. The considerable resources that we have put into services for older people must meet all those priorities. I remind members of the £100 million announced by Susan Deacon on 5 October 2000 and of her commitment yesterday to make additional resources for older people a top priority in future. We are determined to move forward on a broad front, increasing the quantity of services, improving the quality of services, dealing with the systems issues and addressing equity of charging. Mary Scanlon referred to the Health and Community Care Committee. There was substantial agreement between the Executive and committee members, particularly on systems issues.

It is not only today's issues that are relevant to charging. I remind members that, on 5 October 2000, we said that we would try to address unevenness of charging across Scotland, and we will take a reserved power to ensure that that happens. Today, however, we are focusing on Sir Stewart Sutherland's recommendation on personal care. The important point to make is that we have started a process that will push forward the boundary between what is free and what is to be paid for. We cannot define the precise end point, but I remind members of the Alzheimer Scotland—Action on Dementia press release that said that there had been a major breakthrough. I also tell George Lyon that what is proposed is certainly not a London solution, because the journey that we are going on is quite different from the journey south of the border.

**Mr Rumbles:** When he was a member of the Health and Community Care Committee, Malcolm Chisholm supported the committee's call for free personal care. Now that he is a minister, he is against that call. Will his constituents in Edinburgh North and Leith understand his position?

**Malcolm Chisholm:** I have already dealt with my views, all of which are on the record. I cannot spend any more time on that issue, although I should remind Bill Aitken that I left the Health and Community Care Committee on 1 November.

One of the tasks of the development group, as Dr Simpson's amendment states, is

"to consider the practicalities, costs and implications of providing free personal care".

I thank Keith Raffan for supporting that objective. The development group is not a review group, but a group focused on action and implementation over a short time scale.

**Christine Grahame:** Why is it taking two years? The Sutherland report will be two years old in March. Why has it taken the Executive two years to set up a development group?

**Malcolm Chisholm:** On 5 October, we announced our response to the report and we are now pushing it forward. We have had two excellent announcements for older people, one yesterday and one on 5 October.

I appeal to the Liberal Democrats to support the process that we have started and to have confidence in the group. They may not be reassured by my chairing it, although I hope that they are, but perhaps they will be reassured by the presence on the group of Mary Marshall, who is the director of the dementia services centre at the University of Stirling and who was a member of the royal commission. Perhaps they will also be reassured by the words of Sir Stewart Sutherland, who has not taken the attitude of some Opposition members, but is willing to work with that group. It would be entirely consistent with what the Liberal Democrats said in their Scottish Parliament manifesto and in their new manifesto for the UK general election for them to support the group and to support Richard Simpson's amendment.

**Mrs Smith:** Will the member give way?

**Malcolm Chisholm:** I think that I am out of time. Is that right, Presiding Officer?

**The Deputy Presiding Officer:** You are indeed. You must close now.

**Malcolm Chisholm:** Okay.

12:20

**Tommy Sheridan (Glasgow) (SSP):** First, my amendment is basically a tidying-up amendment. I do not think that the SNP will disagree with it in any way, as it merely seeks to state a fact, which is that of the six political parties represented in the Parliament, five are committed to a definite time scale for the implementation of free, universal personal care.

It has been pointed out that the debate is about the elderly citizens of Scotland. I read in the *Evening Times* last night the comments of one Bill McVey, who may be known to some of the Glasgow members, as he is chair of the Glasgow elderly forum. He is a 77-year-old activist, if that is not a contradiction in terms—he has a lot of energy; he is a war veteran. Bill said of the whole debate:

"We are the generation who gave everything, now the politicians want to take everything."

That type of comment reflects the point of view of the likes of Bill McVey and tens of thousands of senior citizens the length and breadth of Scotland, who are asking the Parliament to make a firm commitment today to implementing universal free care. No one today has attacked what the Executive has announced. No one has undermined in any way what the Executive has

brought forward; what we are attacking is what it has not brought forward.

Let us be absolutely clear about the time scale. In March 1998, the Sutherland commission was established. It had until March 1999 to give its one-year report. The minister commented on the report in October. Let us be clear: the minister gave a very honest assessment of the Executive's response to Sutherland. She ruled out at that stage the implementation of free universal care. The majority of members, certainly those from the Opposition parties, opposed the minister's position when she made her statement.

**Susan Deacon:** Would Tommy Sheridan care to examine the *Official Report* and the detailed written response that was made at that time? I said that we agree with the principle of equity upon which the recommendation is based, but that we believe that to implement it at this time, when so many wider needs exist, would not be right. Our discussion of the subject and any progress on it has been based, as Malcolm Chisholm said, on asking how we can make progress, while ensuring that we meet other priorities and do all the other things with which all members in the chamber also agree.

**Tommy Sheridan:** The minister will accept that she talked the language of priorities. As far as she was concerned, this particular recommendation of Sutherland's 24 recommendations was not a priority. We had the debate. We had the fall-out. We had the argument. There was a lot of disappointment across Scotland. The problem is that the First Minister then intervened. That is what changed the whole debate. The First Minister entered the debate and raised the prospect—the hope—of the decision being changed. Unfortunately, from November right up until now, he dillied, he dallied and he dazzled. Ultimately, he has failed to deliver. In fact, the Minister for Health and Community Care has been consistent throughout the debate. The problem is that the Parliament's expectations have been raised, only to be dashed by the First Minister.

As a socialist, I disagree with the Sutherland recommendations, because they argue for the retention of means-testing in relation to living and housing costs. As a socialist, I believe that we should tax people directly, so that when they need personal or health service care, they get it free at the point of need. I disagree with retaining an element of means-testing. However, Sutherland did argue for the removal of means-testing in relation to personal care. What the Minister for Health and Community Care is failing to do today is to announce that that is what the Executive will do and then deliver the resources to achieve it.

It is a failure of the Government to say, as the minister said this morning, that it cannot make that

announcement because it does not think that it has the ability to deliver on it. Is not that what government is about? Make the announcement today, name the date when it will be implemented and then ensure that the resources are available to deliver universal free care for our elderly.

12:25

**Shona Robison (North-East Scotland) (SNP):**

This has been a good debate, and I hope that it ends up being a defining moment for the Parliament. As many members have said, it is about the will of the majority of the Parliament prevailing on an issue that is of huge importance to tens of thousands of people throughout Scotland, and their families. If there is to be a defining moment, I want it to be about such an important issue.

The SNP welcomes the steps that have been taken to improve the delivery of community care in Scotland. Time and again, when the minister has made an announcement that will improve the lives of elderly people in Scotland, we have said that we welcome it.

This is not a choice between what the minister has announced and what is in the SNP's motion; they are not mutually exclusive. Members—including Margaret Smith—have said time and again that this is about completing the last part of the jigsaw.

If this is about dancing on the head of a pin, as Susan Deacon claimed, why all the fuss? It is an awful lot of fuss about a very small pin.

The more the minister refuses to accept the will of the Parliament, the more stubborn for its own sake she is seen to be, because her arguments against full implementation have become weaker and weaker in every debate that we have had on the issue. The case that has been made by all members cannot be opposed rationally by Susan Deacon or Malcolm Chisholm; they have lost the argument, so it is time to accept the consequences and do the right thing.

To be fair, Susan Deacon has remained consistently opposed to full implementation, unlike her leader, who has given clear signals in support of full implementation over the past few weeks. At least that has given us the opportunity today to finish the debate once and for all, by accepting the majority will of Parliament fully to implement Sutherland and to get on with the job of doing so.

Susan Deacon implied that that would be a dangerous road, as services might not be in place to cope with the consequences of free personal care. That could be solved easily, by today setting a defined and clear time scale during which the necessary services could be established and put

in place. There is no problem. We do not need another review; we need an unequivocal statement from the minister that she will commit herself to full implementation within a clear time scale. Nothing less than that will do. We do not want any more of the delay that Christine Grahame mentioned—three and a half years have passed so far. We do not want to wait another six months or another year; we want the statement now.

If the SNP motion is passed today, we will expect Susan Deacon to come back with a timetable for the full implementation of Sutherland. That is what we will expect and we will settle for nothing less.

Can we do this? Yes, we can. Clear evidence has been given about affordability.

**Dr Simpson:** I draw Shona Robison's attention to my amendment, which requires the development—not review—group

"to consider the practicalities, costs and implications of providing free personal care for all and to report by August 2001".

That is the absolute intention behind the development group.

**Shona Robison:** In that case, why has the minister time and again refused to commit herself to the full implementation of Sutherland? That refusal clearly indicates to the Parliament that she does not intend to go through with full implementation unless the Parliament's will prevails and she is forced to do so.

**Malcolm Chisholm:** Will the member give way?

**Shona Robison:** I want to continue.

Affordability is not an issue. The last piece of the jigsaw is estimated to cost about £25 million. Henry McLeish has said:

"We will be spending approximately £55 billion every three years. Is anyone really suggesting that, with the teachers and with the Sutherland report, that is money that cannot be made available out of our budget?"

If Henry McLeish does not seem to think so, I will take his word for it. We should be able to find the £25 million without any great difficulty.

**Malcolm Chisholm:** At the beginning of the debate, Nicola Sturgeon supported the home care package that Susan Deacon announced in October. Does she understand that the £25 million for free personal care would be diverted from the funding for the home care package?

**Shona Robison:** That is a rather misleading statement.

I do not believe that Sir Stewart Sutherland was misleading the Parliament when he stated that the final piece of the jigsaw would cost £25 million.

Most members would accept that Sir Stewart knows what he is talking about.

I will briefly refer to the amendment in the name of Richard Simpson, who either drew—or was given—the short straw. When I became a member of the Health and Community Care Committee, I was aware that a great deal of work had been done on the Sutherland report and the issue of long-term care, and I commend the committee on that work. However, when the committee reached the view that the Sutherland recommendations should be implemented in full, Richard Simpson did not want his dissent minuted, nor did he produce a minority report. Why has he now lodged an amendment that runs counter to the conclusions of the committee's report? I find his behaviour extremely disappointing.

I hope that this will be the Parliament's finest hour. As George Lyon said, although no party has a majority in its own right in the Parliament, the majority of the Parliament wants to do the right thing for the tens of thousands of elderly people and their families throughout Scotland. Today, they are waiting to see what the Parliament will do—I do not think that they will be disappointed.

**Donald Gorrie:** On a point of order, Presiding Officer. I am not clear whether Malcolm Chisholm was replying to the debate on behalf of the Executive or on behalf of Richard Simpson and his amendment.

**The Deputy Presiding Officer:** Malcolm Chisholm replied on behalf of the Executive; no one replied on behalf of Richard Simpson and his amendment.

## Business Motion

12:34

**The Deputy Presiding Officer (Patricia Ferguson):** The next item of business is consideration of motion S1M-1581, in the name of Mr Tom McCabe, on behalf of the Parliamentary Bureau, setting out the business programme.

*Motion moved,*

That the Parliament agrees:

(a) the following programme of business—

Wednesday 31 January 2001

2.30 pm Time for Reflection – The Reverend Ernest Levy, Member of the Jewish Clergy

*followed by* Stage 1 Debate on the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill

*followed by* Executive Debate on the Outworking Bill – UK Legislation

*followed by* Financial Resolution on the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business - debate on the subject of S1M-1579 Ian Jenkins: Borders Textile Industry

Thursday 1 February 2001

9.30 am Executive Debate on Working Together for Scotland – a Programme for Government

*followed by* Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on the Strategy for Enterprise

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business - debate on the subject of S1M-1575 Roseanna Cunningham: Tayside Acute Services Review Consultation

Wednesday 7 February 2001

2.30 pm Time for Reflection

*followed by* Executive Debate on Local Government Finance (Scotland) Order 2001

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 8 February 2001

9.30 am Scottish Socialist Party and Green Party Business

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Stage 3 Debate on the Budget (Scotland) (No 2) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

(b) that the Justice 2 Committee reports to the Justice 1 Committee by 2 February 2001 on the draft Legal Aid (Scotland) Act 1986 Amendment Regulations 2001 and on the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No 2) Regulations 2001 and that the Justice 1 Committee reports to the Justice 2 Committee by 2 February 2001 on the draft Number of Inner House Judges (Variation) Order 2001; and

(c) that Stage 1 of the Convention Rights (Compliance) (Scotland) Bill be completed by 21 March 2001.—[*Tavish Scott.*]

**Donald Gorrie (Central Scotland) (LD):** In the light of the previous two debates on road maintenance and the Sutherland report, will Mr Scott give an assurance that the Parliament will have an opportunity next week to debate any developments on those issues, to replace some of the non-event time such as the Executive debate on the strategy for enterprise?

**The Deputy Presiding Officer:** That is a matter for the Parliamentary Bureau, but Tavish Scott may want to reply.

**The Deputy Minister for Parliament (Tavish Scott):** You are right, Presiding Officer. The Parliamentary Bureau will reflect on that. However, some people think that the Executive's strategy for enterprise is important.

**The Deputy Presiding Officer:** The question is, that motion S1M-1581 be agreed to.

*Motion agreed to.*

12:35

*Meeting suspended until 14:30.*

14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Paper Industry

**1. Lewis Macdonald (Aberdeen Central) (Lab):** To ask the Scottish Executive, further to the answer to question S1W-11988 by Ms Wendy Alexander on 27 December 2000, what recent discussions it has had with representatives of the Scottish paper industry. (S1O-2848)

**The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander):** I will meet representatives of the paper industry forum on 6 February.

**Lewis Macdonald:** The minister will be aware of the situation at Donside paper mill in my constituency. Does she recognise that the paper industry has long-term needs for investment, skills and equipment to remain competitive? Does she agree that effective co-operation between unions and management at Donside has been essential in efforts to identify a new operator for the mill? Will she make a point of meeting the Graphical, Paper and Media Union? Will she ensure that the local enterprise network continues to support Donside paper mill and the Scottish paper industry as a whole?

**Ms Alexander:** I am hopeful that the unions will join us at the meeting with the paper industry forum on 6 February. The unions have co-operated so far in the case of the Donside paper mill. It is encouraging for the future of the paper industry in Scotland that, despite the receivership at Donside, a number of buyers have shown an interest. It is important that Scottish Enterprise Grampian continues to co-operate in ensuring that the skill base that the paper industry requires exists here in Scotland.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** The First Minister will confirm that it is not inefficiency that has resulted in the job losses at Tullis Russell or the crisis in the paper industry in Scotland. The paper industry in Scotland is imploding. Profits have dropped by £70 a tonne in the past 18 months because of the exchange rate differential. Does the minister propose to take any action to relieve that situation, or will she sit back and wring her hands in the hope that her colleagues in London—who are trusted with Scotland's economic levers—will somehow make things better?

**Ms Alexander:** I am not sure whether the SNP is arguing that it is not in favour of the independent setting of interest rates, which has, of course, been a key factor in bringing about stability, ending boom and bust and ensuring the competitiveness of industry as a whole. The recent weakening of sterling relative to the euro has eased pressure. There is no doubt that Scotland can be a competitive location for the paper industry. The contribution that we can make is to ensure that it is an attractive location for that industry.

**Dennis Canavan (Falkirk West):** Is the minister aware that the paper industry is facing its gravest crisis since Margaret Thatcher was in power, when a paper machine was closing down virtually every week and a paper mill was closing down virtually every month? Although some problems—such as an over-valued currency and the climate change levy—are not the direct responsibility of the Scottish Executive, will the minister consider arranging a summit conference so that representatives of the paper industry and appropriate trade unions can put their case to Scottish Executive ministers and UK Government ministers for an effective action plan? Otherwise, there may be no paper industry left in Scotland.

**Ms Alexander:** We intend to have a summit—the paper industry forum on 6 February—and the trade unions are invited. It is true that some of the pressures that the industry faces—such as the price of wood pulp—are outwith the control of the Scottish Executive and, indeed, of the industry, but I repeat that, despite the receivership at Donside, there has been a widespread expression of interest. Companies in the paper industry want to come in, take over the plant, and be involved in a growing paper industry in Scotland. We will give them every support to do so.

### **Disability Rights Commission (Meetings)**

**2. Michael Matheson (Central Scotland) (SNP):** To ask the Scottish Executive when it last met the Disability Rights Commission. (S1O-2813)

**The Minister for Social Justice (Jackie Baillie):** The Executive is working closely with the Disability Rights Commission on a range of issues. My officials and I meet the Disability Rights Commission regularly—most recently, last week.

**Michael Matheson:** Is the minister aware of the Disability Rights Commission's concerns about its limited mandate to take forward legal challenges under the Disability Discrimination Act 1995 and that it has suggested proposals to extend its mandate to allow it to take up legal challenges under the Human Rights Act 1998? Does the minister support the proposal to extend the commission's mandate so as to enable it to take up challenges under the Human Rights Act 1998?

If so, will she make representations to Margaret Hodge, the minister responsible at Westminster, to ensure that the commission's mandate is extended to protect the human rights of disabled people in Scotland?

**Jackie Baillie:** The Disability Rights Commission has not raised that matter with me but I am happy to discuss it with it. As Michael Matheson will appreciate, the commission is a UK-wide operation that reports to the Department for Education and Employment. I am sure that the department will give due consideration to the representations that are made directly by the commission.

### **Young Disabled People**

**3. Scott Barrie (Dunfermline West) (Lab):** To ask the Scottish Executive whether it has any plans to review the current legislation regarding young people with a disability and in receipt of respite care being classified as looked-after children. (S1O-2835)

**The Minister for Education, Europe and External Affairs (Mr Jack McConnell):** The existing legislation provides protection and support for children who receive respite care for continuous periods of more than 24 hours. It offers a comprehensive package of care for that vulnerable group; there are no current proposals to change the legislation.

**Scott Barrie:** I am well aware of the Children (Scotland) Act 1995, which brought that provision into being. Is the minister aware that a large proportion of parents of children who receive respite care are disturbed that children who are looked after outwith the parental home only to help them remain in that home and because of their disability are classed as looked-after children? Those parents feel that that is inappropriate. They would prefer there to be some other way for their children to receive the protection the state provides through that classification and for it to be recognised that their children fall into a different category.

**Mr McConnell:** While there are no plans to review that aspect of the Children (Scotland) Act 1995, I am aware of the impression given to parents to which Mr Barrie refers. Nicol Stephen and I are looking at ways to change that impression. The measures in the 1995 act and the associated regulations exist to protect the children concerned, but it is important that a wrong impression or one that distresses children is not created, so we are looking at that to see what can be done.



### Mobile Telephone Masts

#### 4. Fiona McLeod (West of Scotland) (SNP):

To ask the Scottish Executive what income from rent for the positioning of mobile telephone masts it receives from telecommunications companies. (S10-2815)

**The Minister for Environment, Sport and Culture (Mr Sam Galbraith):** In the financial year 1999-2000 the Scottish Executive received approximately £39,800 from mobile telephone companies for the positioning of masts and aerials. Of that, capitalised one-off payments amounted to £34,500.

**Fiona McLeod:** I take it that as those masts are on public buildings that is why, in the draft consultation on national planning guidelines, only new installations of telecommunications apparatus on buildings will be subject to full planning control. That goes against recommendation 1 of the Transport and Environment Committee report:

"The Committee recommends the introduction of full planning control for telecommunications development."

Is the intention to allow the Government to continue to make money on a potential health hazard?

**Mr Galbraith:** It cannot be taken that the masts are on buildings; they are on land and, as such, subject to the proposals that we are putting forward. Fiona McLeod's thesis is, once again, completely and utterly wrong.

**Dorothy-Grace Elder (Glasgow) (SNP):** Mr Galbraith is in his usual charm-free mood. He states that some of the masts are not on buildings, but on land. Of course they are—there are even plans to raise such gigantic masts in the east end of Glasgow. Will the minister accept that many people in Scotland are alarmed by the presence of gigantic mobile phone masts? We know that the chancellor is making billions from them. Out of the money from the masts made by the Scottish Executive, will the minister commission public health inquiries to find out what degree of harm is, or is not, being done to the public?

**Mr Galbraith:** I know that the SNP is keen to spend money on everything, but it seems particularly ridiculous for me to spend money on the matter, because Professor Stewart has already brought out a report that concluded that the masts are not a public health hazard. Why the nationalists want to revisit the subject day after day beats me—it is probably because they have nothing else to talk about.

### Timber Transportation

#### 5. David Mundell (South of Scotland) (Con):

To ask the Scottish Executive what discussions the Minister for Rural Development has had with

the Minister for Transport about the extraction and transportation of timber in areas where transportation by sea or rail is not practical. (S10-2828)

**The Deputy Minister for Rural Development (Rhona Brankin):** As the minister with particular responsibility for forestry, I have had several discussions with the Minister for Transport and her officials on the vital importance of good road networks in rural areas. As members will agree, those roads serve a wide variety of industries, which include forestry, agriculture and tourism. They are essential for carrying timber where transport by sea or rail is not practical.

**David Mundell:** I thank the minister for that reply and for meeting me and Alex Fergusson in Dumfries and Galloway, where she was able to form an appreciation of the scale of timber extraction in the area. Is the minister aware that Dumfries and Galloway Council is about to impose certain restrictions on roads and bridges for reasons that it believes are necessary to maintain the integrity of those roads? The restrictions will inevitably obstruct the free flow not only of timber traffic, but other traffic. What advice does she offer the council to address the problem of roads that cannot cope with the current timber traffic?

**Rhona Brankin:** As David Mundell is no doubt aware, last year, the Minister for Transport announced an extra £70 million over the next three years to tackle the backlog of repairs to local roads and bridges. Furthermore, as Mr Mundell will be aware, last Friday, the Dumfries and Galloway local timber transport group met and discussed several issues. We welcome the work that Dumfries and Galloway Council is doing on testing the strength of roads. I am aware of the need to consider the strength of roads and how we extract timber from forestry in sensitive areas. We will continue to support the work of the local timber transport groups.

**Christine Grahame (South of Scotland) (SNP):** Given that the Executive has turned its back on the recommendation of the Borders rail feasibility study for a further study into transporting timber from Kielder by rail and that the report states that

"The existing road route is of variable standard and in many areas is particularly unsuited to significant volumes of freight traffic,"

which of the nine proposed road improvement schemes following on that has the Minister for Transport discussed with the Deputy Minister for Rural Development?

**Rhona Brankin:** That is clearly not my responsibility as Deputy Minister for Rural Development; it is a matter for Sarah Boyack. However, we take the issue of timber transport

very seriously. Sarah Boyack recently announced £4.4 million support to Associated British Ports to ship timber from the Kintyre peninsula to the Ayrshire coast. She also announced recently a £0.7 million award to Iggesund Paperboard to help ship timber from Lochaline. We are also considering promising railheads for development, for example in Dalmally, Rannoch in Argyll and Lockerbie and Beattock in Dumfriesshire. We are aware of the problems of timber transport and we will continue to have discussions about them.

**The Deputy Presiding Officer (Patricia Ferguson):** I call Dr Elaine Murray.

**Dr Elaine Murray (Dumfries) (Lab):** The minister has already answered my question.

**The Deputy Presiding Officer:** Question 6 has been withdrawn.

### **Police (Race Relations)**

**7. Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** To ask the Scottish Executive what action it plans to take as a result of the recent report "Without Prejudice? A Thematic Inspection of Police Race Relations in Scotland". (S1O-2842)

**The Deputy Minister for Justice (Iain Gray):** The recommendations of the report are primarily directed towards chief constables. The report provides an important new contribution to the work of the Stephen Lawrence inquiry steering group, which is chaired by the Deputy First Minister.

**Mr McMahon:** Is the minister aware that organisations representing black and minority ethnic communities have consistently raised concerns that there remains a huge gulf between the good words in official documents and the real outcomes and treatment in minority communities? Can he advise the Parliament what monitoring will take place to ensure that the good intentions of the police are translated into a new confidence among our minority communities in their treatment by the authorities?

**Iain Gray:** It is clear that policies must be turned into real and practical improvements. The Stephen Lawrence inquiry steering group is already working on many of the report's recommendations, including the development of comprehensive performance indicators for the police in relation to racist incidents. The key judgment on progress will come in 2002, when the inspectorate will formally follow up the report with a further inspection to ensure that progress has been real.

**Phil Gallie (South of Scotland) (Con):** The minister will, no doubt, agree that the adoption of the report will have considerable training implications. Has he had a chance to examine the cost and resource implications of that? If so, what

will he do about it?

**Iain Gray:** I agree that the report expresses concerns about the lack of progress on national training. The Lawrence steering group has in the past expressed similar concerns. However, the Association of Chief Police Officers in Scotland has now prepared its national equal opportunities training strategy and the next stage is for ACPOS to produce an action plan detailing how to turn that strategy into a reality. We look forward to examining those proposals.

**The Deputy Presiding Officer:** Questions 8 and 9 have been withdrawn.

### **Adoption**

**10. Hugh Henry (Paisley South) (Lab):** To ask the Scottish Executive whether it will review the legislation, both primary and secondary, governing the adoption of babies purchased outwith Scotland. (S1O-2847)

**The Minister for Education, Europe and External Affairs (Mr Jack McConnell):** Yes. We will make it an offence to bring a child into Scotland unless prospective adopters have complied fully with the requirements that are prescribed in regulations. We will consult on the draft regulations shortly.

**Hugh Henry:** I welcome the minister's commitment. I am sure that he and everyone else in the chamber has been concerned to read recent press coverage of the scandal that is unfolding in England. Can the minister ensure that in whatever he and the Executive do, the welfare of children will be paramount and the issue will be handled with sensitivity? Notwithstanding the fact that there will be consultation, can he assure us that action will be speedy?

**Mr McConnell:** Yes. We will consult on the new regulations shortly. We have to do that in conjunction with our colleagues in England and Wales, because it is important that standards are set throughout the United Kingdom. We will also consult soon on national standards for adoption within the UK. Nicol Stephen and I are reviewing those and other matters, and we will make an announcement soon.

**Alex Neil (Central Scotland) (SNP):** I welcome the minister's announcement of the review and urgent legislation. Will he confirm that such a review, and the legislation, will tackle internet trading in babies and that that practice will be outlawed in Scotland?

**Mr McConnell:** First, internet trading, in common with any other trading, for babies or prospective adopted children is illegal and will remain so. John Hutton, the Minister of State at the Department of Health, is addressing the

difficult matters relating to the internet. We are in consultation with him. The regulations that we need to bring into force will implement the Protection of Children Act 1999 rather than be a new act of Parliament, but they will be important regulations and developing consistency north and south of the border will ensure that, across the UK, we prevent this matter from happening again, if that is possible.

**Ms Margo MacDonald (Lothians) (SNP):** Can the minister give an absolute assurance that—using the terminology of the question—no baby will be “purchased” in Scotland? I am concerned by the use of the word “purchase”. No loophole should be left for that.

**Mr McConnell:** Giving absolute assurances can be a dangerous business. If anybody in Scotland purchased, either in this country or elsewhere, a baby for adoption or for any other purpose, they would be breaking the law and action would be taken by the legal authorities as appropriate.

#### **Minister for Health and Community Care (Meetings)**

**11. Miss Annabel Goldie (West of Scotland) (Con):** To ask the Scottish Executive when the Minister for Health and Community Care last met representatives of Argyll and Clyde Health Board and what issues were discussed. (S10-2814)

**The Minister for Health and Community Care (Susan Deacon):** My colleagues and I regularly meet representatives of all health boards and national health service trusts, including those in Argyll and Clyde. On 14 December I discussed the Scottish health plan “Our National Health: A plan for action, a plan for change” with representatives from all health boards in Scotland.

**Miss Goldie:** Babies—not a matter with which I am intimately familiar, minister, but none the less an important component of our society—were, I had hoped, going to feature in the minister’s answer, because the minister should be aware that the maternity facility in Inverclyde royal hospital is threatened with closure because of a review that is being undertaken by Argyll and Clyde Acute Hospitals NHS Trust.

Will the minister confirm two points? Is it desirable that the review should take place when something called the national maternity services framework is floating around? Does the minister seriously consider that it is reasonable or practical to require pregnant mothers in Inverclyde to make their way from the precipitous terrain of that area to the lofty heights of the Royal Alexandra hospital in Paisley? Is that an undisclosed national Executive plan to induce labour at no expense to the national health service?

**Susan Deacon:** Annabel Goldie referred to the

importance of babies, and I share her view. I confess to having intimate knowledge of that matter. I hope that none of us will go any further into intimate knowledge that we may have. I will stop at that point on that subject.

I assure Annabel Goldie that the national maternity services framework to which she refers is not floating around, but is completed. I think that it is at the printers and will be published shortly. I initiated that work more than a year ago to ensure that, through a fully inclusive and consultative process, staff and women could say what they think is the appropriate shape of maternity services throughout Scotland—not only in hospitals, but in the community. I understand that no decisions have been taken in Argyll and Clyde on any of the facilities that were referred to. I hope that when the national framework is published, it will provide an appropriate framework within which to take local decisions.

**Mr Lloyd Quinan (West of Scotland) (SNP):** Does the minister agree that the concerns and tensions in the Argyll and Clyde Health Board area about the provision of maternity services in Paisley and Greenock and at the Vale of Leven hospital, and the continuing suggestions of threat to the services in Vale of Leven and Greenock, provide us with a solution? Argyll and Clyde Health Board cannot serve the people of the area correctly, because it covers an area that makes no sense geographically. The infrastructure to take people from the Dumbarton end, the Vale of Leven end or the Argyll section of Argyll and Clyde Health Board to maternity services in Paisley or Greenock is inadequate. Ministers need to consider creating separate health boards north and south of the River Clyde.

**Susan Deacon:** It is interesting that Lloyd Quinan refers to the concerns and tensions that exist on such sensitive issues. He is right. They present both a challenge and a responsibility for politicians, to ensure that we address such issues helpfully and allay rather than feed concerns when possible. When major changes are taking place to review and improve health facilities, it worries me that we often hear phrases such as “threats of closure” rather than comments about the bigger picture of the service changes and improvements.

I stress again that I recognise and believe passionately that maternity services are one of the most sensitive and important services that we provide and their delivery to women has changed much over the years. We must be prepared to consider sensibly, maturely and constructively how we can provide the right configuration of services in every part of the country.

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** Is the minister confident that the trusts that represent the area are working effectively to

deliver a service that suits those who expect to use it? I have grave doubts about that, as Glasgow acute trust and Argyll and Clyde Health Board propose to base maternity services only four miles apart, with nothing thereafter between Paisley and Crosshouse hospital in Kilmarnock.

**Susan Deacon:** To be candid with the chamber, I think that the effectiveness of local health boards and trusts in taking matters forward is varied. Every part of the NHS is working hard to get better at consulting effectively on such issues. The Executive has made it clear that we expect far more effective discussion and decision making to take place locally.

Any discussion on the substance of service changes will be greatly informed by the publication of the national services framework. Decisions will still have to be taken locally, but the framework will set out some of the wider issues that have been raised by women about what they want from maternity services and the importance that they attribute to having a proper, woman-centred service where they can make informed choices. There will be progress on that issue in the weeks to come.

#### **Caledonian MacBrayne (Meetings)**

**12. Mr Duncan Hamilton (Highlands and Islands) (SNP):** To ask the Scottish Executive when it last met representatives of Caledonian MacBrayne and what issues were discussed. (S10-2849)

**The Minister for Transport (Sarah Boyack):** The Scottish Executive has regular meetings and frequent exchanges with Caledonian MacBrayne on a wide range of issues relating to its delivery of lifeline services.

**Mr Hamilton:** I thank the minister for her very specific answer.

There was an announcement this week on the CalMac tendering process. Until this week, the minister argued that the European Commission was going to insist on the break-up of the network into at least three groups. This week, she is arguing that the network can be maintained as a unified whole. While I welcome that, I ask the minister why it has taken until now for her to take the fight to keep the unified network back to Brussels. Will she confirm whether the measures that have been announced this week will mean that CalMac vessels will remain in public ownership while the operation of the routes may fall into private hands?

**Sarah Boyack:** Let me be clear about why we have announced our proposals to the Commission this week. It has taken some time to analyse the feedback we got during the summer. There was an almost universal view that we needed to ensure

that we retained the integrity of CalMac services. We had been told by the Commission that it did not see how we could meet the competition rules without splitting the services up into separate bundles. I have been clear from day one that we would be totally opposed to cherry-picking or splitting off the routes from CalMac.

Over the past few months, we have managed to carry out further work to consider closely the competition element of the process. Our argument to the Commission will be that to retain reliable, guaranteed, lifeline services at a good cost to the Scottish taxpayer, we think that having one network makes a lot of economic sense. How competitive the different process would be depends on which part of the ferry industry we ask. Splitting it up into lots of individual routes makes sense for localised ferry operators, but we are arguing that—within the Commission's own rules—there is scope for ensuring that we have an integrated network that lets us deal with fares and reliability. We will push that case strongly with the Commission.

**Maureen Macmillan (Highlands and Islands) (Lab):** I am glad that the minister is promoting single bids for the entirety of the CalMac network. That is universally welcomed by anybody who has the west Highlands at heart. How can back-bench MSPs, MEPs and councillors help to convince the EC of the rightness of that decision? Will the minister ensure that the specification in the bid ensures that the vessels are operated to the highest standards, by crew who are familiar with west Highland waters? Will she consider writing into the contract the requirement for partnership working between crew and company?

**Sarah Boyack:** Maureen Macmillan's point is interesting and important. Over the past few months, a series of different organisations representing communities, trade unions and councils have engaged with Brussels and worked with the Executive to propose a coherent case to the Commission. As a result of that, we have seen evidence of more flexibility in the Commission. I am keen for that process to continue. If back-bench MSPs and MEPs are happy to work with us on that, I would be happy to work with them. In fact, I had a videoconference with an all-party delegation of MEPs in Brussels this week. It was extremely useful for getting the message across and I received positive feedback from the MEPs.

Specifications are critical to fares, safety and guaranteed routes. The specification process and the process of consultation will be vital. All the points that Maureen Macmillan raised are key issues for that consultation process.

**George Lyon (Argyll and Bute) (LD):** Given how critical it is to make a coherent case in Brussels, will the minister take this up with the

Commission when she is out there?

**Sarah Boyack:** I am going out there as soon as I can find a space in my diary. George Lyon will know that a number of other meetings, in which he was involved, took up my time yesterday, but I was able to speak to people in a videoconference. I intend to follow that up with MEPs and with the Commission directly. It is important to get our case across coherently and I am happy to work with people over the next few weeks and months to ensure that we do precisely that.

There has already been some flexibility, particularly on the application of the mainland-to-mainland routes. In Scotland, mainland-to-mainland routes are like mainland-to-island routes; the alternative of travelling very long distances, as George Lyon knows from his constituency, means that we must make a strong, robust case. We have started to do that with the Commission and I look forward to the support of members in continuing that process.

### Scottish Berry Project

**13. Irene McGugan (North-East Scotland) (SNP):** To ask the Scottish Executive how and when it plans to take forward a cross-sectoral project that reflects the aims of the Scottish berry project. (S1O-2817)

**The Minister for Rural Development (Ross Finnie):** Scottish ministers have offered to consider funding a pilot project and we await a submission from the Scottish berry group. It is my understanding that the group intends to submit a proposal by the end of the month.

**Irene McGugan:** I suggest that the only thing that the proposed pilot project in Govan has in common with the Tayside-led consortium is the name. I remind the minister that a business plan for the project was first submitted in 1998. How much more time does he need to consider it? Time is something that we just do not have.

Can the minister deny that we are in immediate danger of losing the berry industry in Scotland? Does he dispute that our rates of chronic heart disease are the highest in western Europe and that research has proved that increased consumption of fruit and vegetables can help to reduce that? Will he finally and unequivocally commit to a meaningful cross-sectoral approach to resourcing the Scottish berry project, which would benefit both rural Scotland and the health of the nation? Or is the Joseph Rowntree Foundation's report correct to state that, in the face of overwhelming support for a national berry project, the only thing stopping it is lack of political will?

**Ross Finnie:** In May last year, I clearly indicated to the Scottish Soft Fruit Growers Association—try saying that quickly—that I was

very much behind the project. I deeply regret the fact that negotiations between the berry project organisers and the association broke down. In recent months, we have decided to try again and get more parties to agree. Indeed, John Swinney has been in correspondence with me on the subject. The Govan project has come forward from the association and the Scottish berry group itself has promoted the project. I do not think that it is for me to dictate to the berry group what that pilot project should be.

Although Irene McGugan makes valid points about the reports and Scotland's health record, some of the hypothesis surrounding how such projects would work has yet to be tested. Before we commit full expenditure to the project, we should test that hypothesis. I very much hope that the project, proposals for which are due to land on my desk at the end of the month, will be viable and that we can press ahead with it as soon as possible.

### Roads (Signposting)

**14. Euan Robson (Roxburgh and Berwickshire) (LD):** To ask the Scottish Executive whether it has any plans to review the criteria for the installation of tourist signposting on trunk roads. (S1O-2853)

**The Minister for Transport (Sarah Boyack):** The Scottish Executive has no plans to review the criteria for the installation of tourist signposting on trunk roads.

**Euan Robson:** Does the minister accept that there are often conflicts between tourist signing policy on trunk roads and signing policy on local authority roads, as was recently seen on the A68 near Jedburgh and the A7 south-west of Hawick? Does she accept that that is another reason to consider detrunking some routes with ring-fenced resources?

**Sarah Boyack:** I certainly do not want to get into a debate in the chamber about detrunking routes. The subject would be of huge interest and a lot of people could be alarmed at the prospect. The process was reviewed in 1998, which is quite a recent review of our approach to trunk road signing policy. The consultation process for that review involved the Scottish Tourist Board, the area tourist boards, local enterprise companies, planning authorities, local road and traffic authorities, tourist attraction operators and Scottish Natural Heritage. A wide range of people were involved in that process quite a short time ago. I am keen to examine the operation of the policy and to see that it is effective, but it is a bit early now to begin to review the policy.

**Mr Andrew Welsh (Angus) (SNP):** Is the minister aware of the tremendous efforts that are

being made to provide tourist attractions of the highest quality in Angus, Dundee and the adjacent areas of Perthshire? In view of those efforts, can she tell us why there is no signposting whatsoever on the Friarton bridge to direct tourists and travellers to the Angus coastal tourist route and to Dundee? Will she rectify the situation?

**The Deputy Presiding Officer:** I ask members to keep the background noise down and to show some respect for the people who are speaking.

**Sarah Boyack:** It is our general policy not to have a proliferation of signs in any given place, which would have implications for safety on our trunk roads and motorways. I am happy to write to Mr Welsh about the issue that he has raised. It seems to me to be a local issue, and I would prefer to give him a proper detailed answer in writing.

**Mr John McAllion (Dundee East) (Lab):** If the minister sees a signpost on the trunk roads showing her a way out, will she please take it?

**The Deputy Presiding Officer:** I do not think that that is particularly relevant.

### Transport (Aberdeen)

**15. Richard Lochhead (North-East Scotland) (SNP):** I am tempted to repeat the previous question.

To ask the Scottish Executive what steps it is taking to alleviate recent transport difficulties in the city of Aberdeen. (S10-2822)

**The Minister for Transport (Sarah Boyack):** This is primarily a matter for Aberdeen City Council, which has now agreed remedial measures with Cala Homes Ltd to reopen the Grandholm bridge. For our part, the Executive has been pressing ahead urgently with planned traffic improvements on the A90, including the extra slipway on the southbound carriageway, to improve access to the Bridge of Don park and ride.

**The Deputy Presiding Officer:** I must again ask members to keep the background noise down. Members at the back are having difficulty hearing what is being said.

**Richard Lochhead:** I appeal to the minister to stop passing the buck. Will she explain why she was able last week to announce a £245 million package for the northern extension of the M74 but unable to offer anything to address the current transport difficulties in Aberdeen? I suggest that the minister joins the First Minister on his visit to Aberdeen a week tomorrow to experience at first hand the gridlock, which causes so much misery for so many families and people who are just trying to drop the kids off at school or to get to work each day. Will the minister undertake to

participate in the near future in a public meeting with the council to discuss her transport policies? Given that 2,500 people turned out at the public meeting two weeks ago, I can guarantee her a huge audience.

**Sarah Boyack:** It is important to acknowledge that we are already working with Aberdeen City Council. The member will know the route of the A90 and will know just how critical congestion in Aberdeen is. We are concerned, which is why Executive officials were in Aberdeen last week, talking to the city council and seeing how we can work in partnership to ensure that we do not get gridlock. There are particular difficulties in Aberdeen—I am sure that Richard Lochhead is well aware of them. The massive turnout at the meeting in Aberdeen demonstrates the extent to which there is frustration about congestion. I reassure the member that, through our allocation of £70 million to local authorities for their roads and bridges, we are showing that we are concerned that local authorities should be able to invest in their transport infrastructure. The work that we are doing in partnership with local authorities will be critical in ensuring that the work that we do on the A90 is in tune with the local transport strategy for Aberdeen.

**Elaine Thomson (Aberdeen North) (Lab):** I look forward to welcoming my friend the minister to Aberdeen in the near future, where she will no doubt continue discussions with partners in the north-east Scotland economic development partnership on how the current plan for a modern transport system for Aberdeen and the north-east can be implemented. Does she agree that, although the SNP has promised everyone across Scotland millions of pounds of transport investment while declining to prioritise anything, the real way forward is through the Scottish Executive and local partners working together to identify transport priorities and agreeing how to fund them?

**Sarah Boyack:** I could not agree more with the member. Our plans are costed; they are programmed and are capable of being implemented. I met the north-east Scotland economic development partnership because I was keen to meet people who are involved in economic development on the ground and in the councils. Their views are critical. I am well aware that they are working up plans for Aberdeen and the north-east and I am keen to meet them again in the near future. I have ensured that our officials are in regular contact with them; indeed, they meet them at every meeting of the partnership to make absolutely sure that the Executive is fully involved in the development of a modern integrated transport network for the north-east of Scotland and for Aberdeen.

**Mr David Davidson (North-East Scotland)**

**(Con):** The minister mentioned that £70 million was to go to local authorities. How much of that has been earmarked for Aberdeen and how much has Aberdeen City Council asked the Executive for by way of support?

**Sarah Boyack:** The £70 million that my colleague Angus MacKay announced before Christmas is part of the local authority settlement. It will therefore be distributed to local authorities equitably; it will be up to the local authorities to ensure that they prioritise the greatest needs in their area. The member will know from correspondence that there are a host of pressing issues in his area; I hope that the money will be of great assistance to councils in advancing local bridge and road projects where urgent investment is required.

## First Minister's Question Time

### SCOTTISH EXECUTIVE

#### Scottish Executive Priorities

**1. Mr John Swinney (North Tayside) (SNP):** To ask the First Minister what the Scottish Executive's main priorities currently are. (S1F-799)

**The First Minister (Henry McLeish):** The main priorities for the Scottish Executive will be laid out in the new programme for government, which will be announced in the near future.

**Mr Swinney:** The First Minister will be aware that a royal commission was set up in December 1997 to review the long-term care of the elderly. There was then a review of the royal commission, a rejection of the royal commission and a review of that rejection. Last week, the First Minister said:

"John Swinney asks me to stop having review after review . . . There is only one review—the one that has been undertaken by Susan Deacon".—[*Official Report*, 18 January 2001; Vol 10, c 427.]

The Minister for Health and Community Care has announced the outcome of that review—that there will be another review. For the avoidance of doubt, will the First Minister—on his first appearance in Parliament since that announcement—explain to Parliament and to the people of Scotland whether, in principle, he supports the universal payment of the personal care costs of all elderly people in Scotland?

**The First Minister:** The Executive outlined its case yesterday. In each constituency, there will be people who suffer from dementia or cancer, or who have been stroke victims, who expect me—as the head of an Administration and as a member of this Parliament—to do the very best for them.

The great tragedy about yesterday was that people ignored the fact that we were setting up a radical process to ensure that the commitments that we had made would be honoured. That process includes a new definition of need, an implementation group—not a review—a commitment on resources, a bill in this Parliament and a timetable to take the matter forward. Motions and amendments to take forward the issue of free personal care for all are before the chamber today. It is important that we wait until 5 o'clock to see what decision is made—that makes sense for me at the dispatch box and it would make sense for the chamber.

**Mr Swinney:** Is not the tragedy of yesterday that the First Minister raised expectations in Scotland and then let people down? Is he intent on defying public opinion and the opinions of Alzheimer

Scotland, Age Concern Scotland, Help the Aged and the Deputy Minister for Health and Community Care—at least, when he was a member of the Health and Community Care Committee? Is he intent on defying the views of the Conservative group, the Liberal Democrat group, the SNP group, the Scottish Socialist Party, the Greens and Mr Canavan? When is the Labour minority in this Parliament going to accept the majority opinion of Scotland and Scotland's Parliament?

**The First Minister:** It is worth repeating the point that three months ago the debate on free personal care was off the agenda—[*Interruption.*] It was off the agenda in that a community care package had been identified and brought before the Parliament. I have made long-term care for our older people one of the highest priorities on the agenda of the media and this Parliament; I make no apologies for doing so. What is crucial is that I remain committed to and will deliver on the pledges that I have made.

We have talked about raising expectations. Again, I make no apologies on that, because we will deliver on the high expectations that Scots have for our country. I have no doubt that yesterday's statement and this evening's vote will vindicate the decision to put the issue at centre stage and to allow the Parliament to judge how far and how quickly we can go.

**Mr Swinney:** The First Minister may say that the issue was off the agenda in October, but that is not terribly consistent with what the Minister for Health and Community Care told Parliament this morning. The issue is back on the agenda because the First Minister put it there and, by doing so, raised expectations that it is commonly believed have not been met.

If, at 5 pm, Parliament votes in favour of the motion in my name, we will have entered interesting constitutional territory. The only other time we have been in such territory was on the issue of tuition fees. On 7 October 1999, the late First Minister was asked:

"If the Parliament votes that tuition fees should go, is that it? Do they go?"

The late First Minister replied:

"Of course. I can't defy Parliament."

If my motion is carried at 5 pm, will this First Minister defy Parliament? If it was wrong to defy Parliament in connection with tuition fees, is it wrong to do the same tonight?

**The First Minister:** I want to be very specific on this point. As I—along with representatives from John Swinney's party, the Conservatives and the Liberal Democrats—was an architect of the Parliament's procedures, I must say that the voice of the Parliament cannot and will not be ignored.

Let me go further than that and say that we will listen to what the Parliament has to say and we will respond clearly and decisively.

**Tommy Sheridan (Glasgow) (SSP):** Does the First Minister accept that the answer that he has just given is not satisfactory? Everyone is worried that, if he loses tonight's vote, he will announce another review. Instead of doing that, will he tell us that, if he loses tonight's vote democratically, he will unequivocally announce the implementation of universal free personal care? That is what we want.

**The First Minister:** I cannot be any clearer when I say that I, as First Minister, will not ignore the will of the Parliament. We have another hour and 30 minutes before we get the result of that vote; it is important that we wait until then.

Yesterday's package should be considered. Although there is a debate about how far and how quickly we are moving on this issue, we are now proposing to make in 14 months the biggest ever step forward in long-term care. However, I believe that members from all parts of the chamber genuinely feel that sufferers in Scotland want to be taken seriously. That is why I say again to Tommy Sheridan that the will of the Parliament will not be ignored when the result of the vote is announced.

**John Young (West of Scotland) (Con):** Speaking as an older member, I ask the First Minister whether, if tonight's vote goes against the Labour Executive and the Labour group in the chamber, he will accept that vote and try to implement the recommendations or whether he will be immediately on the phone to Westminster to find out what Gordon Brown or Tony Blair has to say. Furthermore, has a deal been cobbled together with certain Liberal Democrats over tonight's vote?

**The First Minister:** John Young might say that he is getting older, but the only thing that distinguishes the two of us is that I have slightly more hair on the top of my head than he has. [*Interruption.*] That was not an agist attack on the member.

I will repeat the comments that I made to Tommy Sheridan and John Swinney: the Parliament's will will not be ignored. When the Parliament speaks this evening, my Administration and I—not London or anyone else—will decide what happens in the interests of older people in Scotland. The Scottish Parliament will ask the question; we will be in a position to deliver on the verdict. I cannot be any clearer.

#### Secretary of State for Scotland (Meetings)

**2. David McLetchie (Lothians) (Con):** I congratulate Mrs Helen Liddell on her appointment as Secretary of State for Scotland, although I



suspect that, after the general election, she will have set a record as the shortest-serving holder of that office.

To ask the First Minister—before he misses the opportunity to do so—when he next plans to meet the Secretary of State for Scotland and what issues he intends to raise. (S1F-794)

**The First Minister (Henry McLeish):** Like David McLetchie, I extend warm greetings to Helen Liddell in her new post. We believe in the union and we are happy to have a Secretary of State for Scotland working for our interests at Westminster—unlike SNP members, who use the Scottish Parliament to undermine Westminster but send their ex-leader back home to do the business. We welcome Helen Liddell's appointment and look forward to working closely with her in everything that she is doing on behalf of Scotland. I shall therefore ensure that the Secretary of State for Scotland and I meet in the very near future.

**David McLetchie:** The new Secretary of State for Scotland got her job only because Peter Mandelson had to resign from his over a deception too far. That should be a salutary lesson for the First Minister, because he has been guilty of serial deception on the Sutherland report since the day and hour that he became First Minister.

Back on 5 November, *The Sunday Times* headline was: "McLeish in U-turn on elderly care". On 11 December, the *Daily Record* headline was: "McLeish U-turn on free care for old folk". On new year's day, the headline was: "Free care for old folk"—again in the *Daily Record*. If all those reports were wrong, how many times did the First Minister's office contact the journalists concerned to ask that those inaccuracies be corrected? Why did he allow so many people to be so badly misled for so long?

**The First Minister:** I remain committed to the points that have been raised by David McLetchie. Expectations should be high. The inference is being made that the expectations that have been raised will not be met by this Administration or by the Scottish Parliament, but nothing could be further from the truth.

I make a plea over the heads of the Conservatives to everyone in Scotland who is looking to me, to this Administration and to the Scottish Parliament to deliver real help for care needs, no matter where they are in Scotland. I repeat publicly and unequivocally that we will honour the commitments that we have made. The inference is that we should not have expectations, but we should have them. Moreover, expectations that are raised should be satisfied—we will do that.

**David McLetchie:** After all this time of

commissions, reviews, responses and re-examinations, all that we are getting is another development group—and another seven months will go by. We are still no further forward on the key issue of principle; there is only more delay.

The First Minister likes to tell us that he leads a Government. Well, Governments govern and Governments make decisions. After all this time, all the reviews and all the examinations, why will he not make a clear decision in principle now and allow his development group to carry out its work within a clear policy framework? Why will he not decide now and tell us now?

**The First Minister:** We answered the question earlier about the right of the Parliament to make that important decision this evening.

Yesterday, in the debate on long-term care, David McLetchie asked about the 7,000 to 8,000 Scots who have to meet the full costs of their personal care. He asked Susan Deacon, the Minister for Health and Community Care, how much that would cost those 7,000 people. The simple point—which even Sutherland appreciated—is this: Sutherland's work was unfinished business. We are setting up the development group; we are committing resources; we are committing legislation; and, of course, we are committing ourselves to a timetable. That is vital. Even a cynic such as David McLetchie, who sits and preaches on help for the elderly after 20 years of Tory Government, should understand that. We can stomach a great deal, but he should be slightly patient. I reiterate the commitment that we will move forward.

### Business (Transport Links)

**3. Janis Hughes (Glasgow Rutherglen) (Lab):** To ask the First Minister what plans the Scottish Executive has to assist business by improving transport links between Scotland and the rest of the UK. (S1F-804)

**The First Minister (Henry McLeish):** Efficient and reliable transport links with the rest of the UK are vital for Scotland's economic success. The M74 is a modern, safe road and, as announced on Monday, we are to complete the final five miles through Glasgow. We are working with the UK Government on improvements to the east and west coast rail links and on the review of airports.

**Janis Hughes:** I welcome the First Minister's answer. As someone who lobbied long and hard on the issue of the M74, I am absolutely delighted with this week's announcement. However, does the First Minister agree that this morning's debate about trunk road maintenance contracts demonstrated a high level of concern across the chamber? Will he assure me that he and his ministers will continue to explore the issues raised,

including whether to delay the signing of the contracts until the issues are resolved?

**The First Minister:** I respect and acknowledge the concerns that were expressed in the debate in the Parliament this morning about the trunk roads contracting programme. Obviously, the procurement process is governed by contractual and legal obligations. However, when we find that concerns are being expressed by members from all parts of the chamber on an issue, it is incumbent on me to reflect on that issue. I assure Janis Hughes that we will continue to explore the issues that have been raised about the contracts.

Because of our concerns, we have agreed and published the tenders but we have not let the contracts. As a consequence of that, an audit is being done in relation to the quantities issue. At the end of the day, we want quality and value for money. The financial differences between the options are quite explicit. However, the Parliament has spoken this morning and I will be delighted to discuss the issue further with Sarah Boyack and other members of the Parliament to ensure that members' concerns are listened to and that everything humanly possible is done to address them.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** The feeling of the Parliament this morning was that the tendering process should be delayed and that the Transport and the Environment Committee should conduct an inquiry. Will the First Minister give the Parliament an absolute guarantee that the tendering process will be halted and that the Transport and the Environment Committee will be able to discuss what has gone wrong and report on that to the Parliament?

**The First Minister:** I am trying to be as helpful as I can. Bruce Crawford appreciates as well as anyone else that we are in a procurement process. I cannot say things about the process to the Parliament that I cannot deliver. I can, however, say this: we have not let the contracts. We are considering everything that the Convention of Scottish Local Authorities and political groups are saying. Today, as an act of good faith, I want to reflect on this morning's debate. It is not in the interests of the Parliament or the Executive for there to be the kind of rancour, mistrust and concerns that were expressed this morning. I cannot be specific, but I am sure that Bruce Crawford hears what I am saying and understands that I want to discuss the matters further.

#### **Expenditure Commitments**

**4. Andrew Wilson (Central Scotland) (SNP):** To ask the First Minister whether any existing expenditure commitments will be cut to pay for new commitments on health and education spending and, if so, what these are. (S1F-795)

**The First Minister (Henry McLeish):** More than £60 billion is available to the Executive over the next three years. That is capable of funding our priorities of better health services and better education. We will review our budgets, as every part of the Government does, to ensure that they are better targeted and that we make the best use of every pound in every programme. The Minister for Finance and Local Government will shortly announce details of the group on best value and budget review. Its work will identify the extra resources needed to fund our additional and new commitments.

**Andrew Wilson:** May I suggest to the First Minister that he announces today that finance is not a constraint on the full implementation of the Sutherland report? He could save £5 million by not going through with the appointment of Helen Liddell as Secretary of State for Scotland. I understand that the First Minister welcomed her appointment last night with all the enthusiasm of European villagers awaiting the arrival of Attila the Hun.

Is the First Minister aware that the Sutherland report could be fully implemented by using only half the money that was allocated to the annual reserve commitments—the money that is to be put aside and not spent—made by Angus MacKay in his budget?

**The First Minister:** When the implementation group is set up, many of Mr Wilson's comments can be passed on to its members. I am sure that the Minister for Finance and Local Government will also be grateful for the assistance that Mr Wilson seeks to give.

Given that Mr Wilson also made some fairly flippant remarks, I should point out that we are still waiting for the Scottish National Party to start talking about policies at all. We were promised that, when the new leader took over, the party would have a review process. It then had a massive get-together at Hampden Park—from which nothing emerged. We know that it will draw up a manifesto, but that will be the first manifesto in history to be drawn up with no policies. The SNP lectures us on where we might find money, but we would like to help it to find some policies on which it might fight an election.

## Budget (Scotland) (No 2) Bill: Stage 1

**The Deputy Presiding Officer (Mr George Reid):** The next item of business is a stage 1 debate on motion S1M-1574, in the name of Angus MacKay, on the Budget (Scotland) (No 2) Bill. I ask members who wish to speak in the debate to press their request-to-speak buttons now, and for members who are leaving the chamber to do so quickly and quietly.

15:32

**The Minister for Finance and Local Government (Angus MacKay):** You will understand, Presiding Officer, if I approach this speech with slight nervousness, considering recent events. I have read this morning's newspapers in full, however, and I am satisfied that no details of my speech have been reported in any of the newspaper articles around the resignation of Peter Mandelson.

This has been the first full year of the budget process as set out by the financial issues advisory group and adopted by the Parliament. I acknowledge that, in the first year, the budget process has had its complications. It was the first full year of a new process, so it was always likely that some difficulties would be experienced. Some were merely teething difficulties, and involved sorting out the best way to provide information, but some were more fundamental. For example, the timing of the budget process as described by FIAG did not sit well with the timing of the United Kingdom spending review. I have agreed to examine the difficulty caused by that.

It was an unusual year for other reasons. There was a major change in the accounting basis, with a shift from cash to accrual. There was also a spending review. Nevertheless, I think it fair to say that it has been a year of achievement. We implemented a consultative budget process which achieved a genuine degree of engagement with the wider public. That is not solely an Executive achievement—it directly reflects the very hard work of the Finance Committee. I wish to place on record my thanks to that committee for its effort and for the constructive attitude of its members.

The year has been extremely fruitful: the Chancellor of the Exchequer's excellent stewardship of the UK economy and prudent handling of public finances have greatly benefited Scotland and the UK. The Budget (Scotland) (No 2) Bill highlights those achievements and goes on to reflect the record level of public expenditure.

The spending review provided increased

expenditure of £800 million in 2001-02, of £1.9 billion in 2002-03, and of £3 billion in 2003-04. That will substantially increase the resources available for core programmes in the period to 2003-04. Spending on health will increase by 15 per cent, on justice by 13 per cent, on transport by 45 per cent, on education, arts and sport by 17 per cent, and on communities by 20 per cent. Those significant increases will have a direct impact on the lives of everybody in Scotland.

I have no doubt that we will hear siren voices claiming that public expenditure has fallen as a proportion of this or that, and making other criticisms. The fact remains that the spending review provides for a record level of public spending in Scotland. That means that more money will be devoted to meeting the most pressing needs of the Scottish people. It means more spending on health care, further improvement in a variety of critical infrastructure, and more progress on the social justice agenda.

Those priorities are directly reflected in the Budget (Scotland) (No 2) Bill, which was introduced on 19 January. It reflects our commitment to using all the resources of the Scottish Executive to meet the needs of the Scottish people. Meeting the essential needs of the nation must be about far more than simply attempting to allocate sensibly the additional money that we received through the spending review. It must be about spending the entire Scottish Executive budget in a manner that meets more of the Scottish people's needs. Meeting more of those needs requires us to understand them better and to squeeze every last drop out of public expenditure.

We must continue the consultation process—seeking people's views and engaging them more fully in the budget process—and I am determined to build on the start we made last year. The Executive is also determined to ensure that every pound in the budget is spent efficiently and effectively. That is why, in his statement to Parliament on 20 September 1999, my predecessor announced our intention to establish best value in Scottish Executive spending. Next week, I will make available details of a new initiative that will focus on achieving better use of public expenditure by reviewing the output of public spending—what it delivers—and assessing whether that pattern of spending meets the key priorities of the Administration. Over time, that detailed scrutiny will assess all parts of all spending programmes.

I will announce a detailed implementation plan in due course. It is important that detailed scrutiny is built on a variety of factors. First, there must be inputs from internal expertise. We need access to existing sources of advice, such as published

reports, and we must look beyond those sources for external assistance in scrutinising what we do and trying to achieve best value. Therefore, I intend to establish a high-level group, which will examine all spending programmes. It will provide the essential function of challenging how we deliver best value.

We must also review and improve our performance targets and reporting. We are under a duty to include targets in the budget. I accept that so far the targets in our documents have been of variable quality and have not been strong enough. They attracted criticism from the subject committees last year. That is a further area in which the Finance Committee can make a strong contribution. We must work together to improve our targets and their presentation.

We must also shift targets from measuring inputs, which has been the traditional and accepted method of assessing progress, to measuring outputs and outcomes. Although that might seem a relatively small change, it has massive implications for the budgeting process and for our ability to conduct meaningful scrutiny. I do not underestimate the difficulty that is involved in that change, but I believe that it will deliver lasting benefits for the budget process. I would gratefully welcome the Finance Committee's assistance on that.

Our initiatives on targets and on a budget review should be seen in the wider context of a programme to modernise government at every level. Last month, Susan Deacon launched the Scottish health plan, a key aim of which is to build efficient and effective decision making that is responsive to local need. Last week, I attempted to announce a wide-ranging review of public bodies sponsored by the Scottish Executive. That quasi-announced review will reach its conclusion in May. On 18 December, we announced a further round of modernising grants to support innovative projects aimed at improving service delivery across public services. Best value and those initiatives together highlight my determination and that of the Executive to make every pound of public expenditure work harder for every person in Scotland.

**Andrew Wilson (Central Scotland) (SNP):** Will the minister give way?

**Angus MacKay:** I will not give way as I am about to finish.

I believe that the Budget (Scotland) (No 2) Bill reflects not only a record level of public expenditure, but the Executive's determination to make that expenditure genuinely work harder for all Scottish people. I commend the bill to the chamber.

I move,

That the Parliament agrees to the general principles of the Budget (Scotland) (No 2) Bill.

15:41

**Andrew Wilson (Central Scotland) (SNP):** The SNP will not obstruct the course of the Budget (Scotland) (No 2) Bill at this stage. However, the debate comes at an opportune time and I hope that when he sums up the minister will use that opportunity to address some of the questions that we will raise.

I begin with a minor whinge: I did not have an opportunity to see the document "Scotland's Budget Documents 2001-02" until 1 o'clock today, despite the fact that the minister's letter to the convener of the Finance Committee said that it was distributed on Tuesday. A copy has yet to arrive on my desk and I was able to obtain a copy from the Scottish Parliament information centre only at lunch time, when it was delivered to SPICe. I make that point simply because it is not easy to read a 264-page document in an hour. Perhaps we could have had a more topical debate if we had been able to go through that document. For example, at page 100, we would have been able to find out about the 13 per cent cut in capital allocations for school buildings. It would have been helpful to debate wee things like that.

We have had a few more amusing and pretentious Executive briefings to gawp at in awe in the past week. We have heard that the Government is not the Executive and today we heard about an Administration. Then there was the ill-fated idea of projecting the head of the glorious leader on to a screen—we can thank our lucky stars that that idea never came to fruition.

I draw members' attention to an interesting article in *The Sunday Times* this week. I assume that those who brief the press on behalf of the minister gave the newspaper a front-page exclusive. The article said:

"A powerful new ministry modelled on Whitehall's Treasury is to be created in Edinburgh by Henry McLeish in a move that will reinforce the first minister's authority"—

that should have been followed by the word "sic" in brackets—

"over the Scottish Government.

The principle of a Scottish chancellorry"—

no less—

"has already been discussed by the coalition cabinet. It will radically alter the shape of the devolved administration, placing an unprecedented degree of influence in the hands of Angus Mackay."

"Scottish chancellorry", "powerful", "modelled on Whitehall's Treasury" and "unprecedented . . . influence"—just what is that all about? We can assume only that modelling such a ministry on the

Treasury is more of a reflection on the furnishings and fittings in draughty Whitehall offices than on those in the modern Victoria Quay. We hope that the pool in Victoria Quay is not to be removed.

Of course, that article was absolute nonsense—it was not true. If Mr MacKay was to become first lord of a Scottish chancery and control a Scottish treasury, he would be the only chancellor who ran a treasury with no power. Only half of the taxes that are raised in Scotland are spent by the Parliament. We have no power to alter the nation's taxes except marginally, no power to borrow and no power to do anything beyond dividing by 10 whatever Gordon Brown announces on spending.

**Angus MacKay:** Will the member give way?

**Andrew Wilson:** I will give way to the chancellor.

**Angus MacKay:** I want to provide Mr Wilson with some assistance. *The Sunday Times* article to which he refers specifically quoted a statement from Mr McLeish which said that we would not be setting up a Scottish treasury. I invite Mr Wilson to move on to the next part of his speech.

**Andrew Wilson:** It is no news to the chamber—not even this afternoon—that Mr McLeish would brief the press and then deny it. A reasonable point to make is that one cannot brand one's way into effective government without substance. I will quote directly a senior source, who said:

"Mr MacKay will mirror the role of Gordon Brown by judging financial arguments advanced by each spending department."

How innovative is that? Whatever will the Minister for Finance and Local Government think of next? What has the Executive been doing since 1999? It is evident that that new approach will reinforce the First Minister's grip on ministers' spending—I assume that it is the same grip that lost the First Minister the arguments over Sutherland in the Cabinet. However, there will be no splits, as the same senior source—I assume that Angus MacKay knows who that source is—said:

"Colleagues have signed up to the general principle of better use of money."

What absolutely terrific news—that is certainly a principle on which we can all move forward. Was there a Cabinet battle over the general principle of the better use of money? Who within the Cabinet was arguing for the worst use of money? Let us have names named, and see who are the villains of the piece.

I realise that most of that is flim-flam—[MEMBERS: "Surely not."] I have good reason. Give me time. The substance of the briefing related to the need to find money for Sutherland. I would like the minister to tell me not just the implications of

yesterday's announcements, but what he can do—I will give him some suggestions—to pay for full implementation, in the event of Parliament voting the way that it intends later this afternoon.

The minister has shown what can only be described as changing and unusual views on the question of a reserve. That finds its way into the Executive document, including an annual reserve allocated out of expenditure, as opposed to stock. Will he confirm that the £53 million that it is planned to allocate to the reserve in 2002 is enough to pay more than twice for the full implementation of Sutherland? Will he confirm that the underspend of one fifth in the health budget would be enough to pay for Sutherland?

**Angus MacKay:** Andrew Wilson today, and one of his colleagues yesterday, suggested not only that we should implement in full Sutherland's proposals on free personal care, but that we should fund it from the reserve. As he knows, the reserve is not a recurring line in the budget. What he is saying is that we should provide a bit of personal care, when we can afford it, year on year—almost as though we should use any spare change in our pockets. The reserve is not recurring.

**Andrew Wilson:** That is a remarkable thing to say, and it brings us to the substance of the debate. The minister, given that he is a minister, should know about such things, but he is absolutely wrong in that statement. I will quote from the Finance Committee meeting on 20 November in Aberdeen. I asked Dr Collings, the minister's chief adviser, whether the reserve was a stock or a flow. The minister's previous statement implies that it is a stock, and not an annual flow of expenditure. Dr Collings said:

"The reserve is the difference between the departmental expenditure limit . . . and the total departmental expenditure limits for each programme . . . In that sense, the reserve is a flow".—[*Official Report, Finance Committee*, 20 November 2000; c 896.]

Pages 6 and 7 of the budget plan that the minister outlined in the autumn show that, each year, he allocates total expenditure. Within total expenditure—not as a running total, but within actual allocated total expenditure—we find £53 million after £53 million, building up the total stock of the reserve. In the event of the minister's advisers arriving to advise him, he should nip up to the back of the chamber and find out whether he is as wrong as he sounds.

In reality, and this is my point, enough money is set aside in the budget to pay for the full implementation of Sutherland. Therefore, the idea that paying for it would put a financial restraint on the budget is absolutely absurd. As I say, one seventeenth of the entire underspend of last year's budget alone would be enough to pay for full

implementation of Sutherland—one seventeenth of what the Government found in the budget but was unable to allocate would be enough.

**Dr Richard Simpson (Ochil) (Lab):** We must nail a myth. A supposition is growing that Sutherland is infallible. I have great respect for him and his report, but when he says that only £25 million has to be found, he is wrong. Substantially more will be required. For Mr Wilson to refer—rather glibly, if I may say so—to the reserve being used is inappropriate.

**Andrew Wilson:** I appreciate the member's point, but prior to this year there was no reserve. Then, all of a sudden, out of nowhere, and despite what the previous Minister for Finance was quoted as saying, we have a reserve, which is allocated annually and not, as Mr MacKay implies, as a one-off. It is allocated annually within the budget statement. All I am saying is that there is great scope in public finances—within that reserve alone—to allocate £25 million, or up to £50 million if that was the cost. The point is that the money is there. There is no financial constraint, only a policy or political constraint. That is the germane point.

I look forward with great expectation to hearing more about the points that Angus MacKay made on squeezing best value out of the Government's budget. We brought those proposals to the debate with varying degrees of success before the Scottish election. If I were allowed to offer Angus MacKay the SNP's advice on the budget process, I would be delighted to do so, through the Finance Committee or more privately.

There is an interesting debate to be had in the next stages of the budget bill, once we have had the chance to look at the details—and my colleagues will be considering things in detail. However, a budget without the ability to raise and allocate taxation revenues is no budget at all. That is why Scottish budgets are reported with all the excitement of the shipping forecast—look at the press gallery now.

The Parliament has fewer financial powers than any other Parliament on earth. That is the reality of devolution under Labour. We have record cash spending, but less of the nation's wealth has been allocated to public spending even than under the Tories. The outcomes of that are that NHS waiting lists are higher, homelessness is at record levels and there are fewer police on the streets under Labour than under the Conservatives. Those are the outcomes that the Minister for Finance and Local Government will have to examine in the coming months—that is what the budgets of Labour Administrations have delivered. If we are to make progress—and I hope we do—we must get into the detail of what Scotland can achieve, which is far, far more than the limited budgets we have at present.

15:50

**Mr David Davidson (North-East Scotland)**

**(Con):** The minister will be relieved to know that, like the SNP, we will not obstruct the budget at this stage. I appreciate the title, Minister for Finance and Local Government. At least it is honest. The Executive's method of financing local councils has been to take over how councils spend their money: ring fencing is a take-over by any other name. New Labour has not changed its spots—central control is alive and well, despite the demise of Mr Mandelson. Perhaps Mr MacKay should recall his days as finance convener of Edinburgh's council and remember the freedom he enjoyed to serve the citizens of Edinburgh. Why is he denying that privilege to Scottish councils of all varieties? By the time councils deal with the ring fencing that is coming through the Executive's budget process, they are left with very little room for manoeuvre. Roads maintenance, cleansing, litter control and leisure and recreation are the only areas left for manoeuvre, unless there is direct extra funding from the Executive. I would like Mr Peacock to respond to that point because councils are screaming about their inability to meet local need.

I was recently informed about a long-worked-for community swimming pool in Mintlaw, in Aberdeenshire. The council indicated that it was going to provide deficit funding and has now had to withdraw that. That is in leisure and recreation, an area in which councils have some room for manoeuvre. I ask the Minister for Finance and Local Government to consider how he will deal with that problem. We all know about the riots about roads. I will not go into the farce that is going on in Aberdeen.

Last September, the previous Minister for Finance, Jack McConnell, said twice in his speech that

"devolution gives us the right to decide our own budget".  
—[*Official Report*, 20 September 2000; Vol 8, c 459.]

Why is it that the Executive thinks that devolution is only for it? What about local democracy and decision making? I thought that prescriptive activity died with communism.

**Angus MacKay:** That seems a bizarrely appropriate point at which to intervene. The member has not recognised that the Executive has abolished guidelines for local authorities and that they are now deciding how much they want to spend and how much they raise through council tax. That is central to the debate about local autonomy. In my time as a finance convener I would have welcomed that. That is utterly at odds with what is being suggested about centralising control.

**Mr Davidson:** Thank you, minister, for clarifying

a point I was going to make. What is really being said to councils is, "It is not our fault—go and take it from the council tax payer." Council tax payers are only around 28 per cent of the population, so skewed figures will result from council tax rises. When the Minister for Finance and Local Government was in Aberdeen, I asked him—although he deflected the question—whether there were going to be any sanctions or controls other than the guidance given to local authorities. They would like to hear clearly what is expected of them. The taxpayer in Scotland wants to know that.

We all agree that this year's budget process was a bit of a disaster. The Parliament's committees were unable to address the impact of the budget fully because they did not have the information. I am not blaming the minister for all of that, but we must work much harder to ensure transparency. Mr Wilson commented on the reserve, which did not exist under Mr MacKay's predecessor. At least Mr MacKay is honest enough to say that it exists. It is important that there is clarity and transparency about how money gets into the reserve and where it goes. The same applies to end-year flexibility.

As far as policies are concerned, we believe that the Executive has failed on several counts. I will not go into the Whitehall Treasury model, but I ask the minister not to go down that route. It would be a disaster, because we would be inundated with requests for fiscal autonomy and Scotland would be dragged out of the UK one way or another. That would not be good for Scotland and I ask the minister to resist it.

**Brian Adam (North-East Scotland) (SNP):** Will the member give way?

**Mr Davidson:** If it is a brief intervention.

**Brian Adam:** I love the emotive language, but might David Davidson be willing to concede that Scotland might willingly leave the UK? Would he allow the possibility that Scotland might not have to be dragged?

**Mr Davidson:** We have returned to a subject that shows the frivolous nature of the SNP's approach to the budget process.

Our spending priorities differ from Labour's. We have mentioned roads infrastructure and roads spending. We would like a restoration of the 1997 capital spending position. Law and order is a great concern, as is the health service. Despite the moneys for the health service that have been talked about this afternoon, we must ask why every trust in Scotland comes to us day after day because they cannot resource the demands on the health service. It is about not what they are currently doing, but the new demands that are coming through. I hope that that will be addressed thoroughly as we go through the budget process.

We have not heard much about policies from the minister, so there is not much point in going too far into that. However, I would like to say that the Conservatives believe that, as a matter of urgency, the committees must have the right information in order to be able to consider the budget process accurately, subject by subject. If they do not, the debate becomes farcical. At least today the minister has adopted a fairly gracious approach and not rammed the budget at us. The details are not clear enough for us to make decisions.

The minister's visit to the Finance Committee when it met in Aberdeen was most welcome. Following that, he has set himself a great challenge as to how open he will be. I hope that he will come back to the committee and tell us about his new approach to the budget process.

**Angus MacKay:** I am grateful to the member for giving way. I would like to apologise to members on the point made by Andrew Wilson earlier about the bill. My understanding is that there was a problem in the post room, which caused the bill to arrive late. Mr Davidson called that to my mind when he raised the issue of information for members. I apologise for the delay in members receiving the bill.

**The Deputy Presiding Officer:** Thank you, minister. Please wind up, Mr Davidson.

**Mr Davidson:** The minister mentioned progress towards value for money. We have had much talk about reviews and so on. It is vital that the people of Scotland know not what the outputs are, but what the outcomes will be. There is far too much talk about outputs and inputs. People want service on the ground. I ask the minister to clarify that for us in his closing speech.

15:58

**Donald Gorrie (Central Scotland) (LD):** I feel rather like an actor in a classical Greek tragedy. As a well-educated man, Presiding Officer, you will remember that in all Greek tragedies, the real action takes place off-stage.

**Dorothy-Grace Elder (Glasgow) (SNP):** And everybody dies.

**Donald Gorrie:** Quite a few do—but they die at great length.

On behalf of the Liberal Democrats, I welcome the increased funding that is encapsulated in the budget. I am particularly happy about it because, ever since the last general election, my colleagues at Westminster have been pressing Gordon Brown to give out more money instead of sitting on it. We regret the two years during which the Westminster Labour Government stuck to the Tory spending plan. However, we welcome the change in policy

and the increased money that is now available. We welcome the priorities of the coalition Administration in areas such as local government—which had a very raw deal in the previous settlement—the elderly, who we have been debating at some length, the McCrone recommendations, health and so on. We welcome what the budget stands for.

We welcome the minister's aim to begin to measure outcomes and outputs, rather than inputs. As a veteran councillor, I remember that, about 20-something years ago, an English professor lectured me on the subject at a Lothian Regional Council performance review committee. I failed to make much progress then, but I am happy to support the minister in trying to make progress now. He is also trying to improve things through the introduction of resource accounting and budgeting which—according to the information that we have been given in the Finance Committee—is a more controversial way of doing things but is, at least, a serious reform of the way in which our financing is done. That is welcome.

In response to David Davidson, I say that I am sure that the Executive, and certainly the Liberal Democrat part of it, is keen to decentralise control to, not suck power away from, local government. We will be working towards giving local government as much scope as possible. Again, agreed outputs will be set for local government which, in its own way, must make an attempt at achieving them. That is the way that things should be done.

We should also encourage the Executive to abandon the practice of almost all Governments and councils of going for project funding for all sorts of activities because it is sexy, photo opportunity-worthy and attractive to the media, rather than giving them core funding, which is far more important.

We must fund existing programmes and work by voluntary organisations, rather than going for nice new projects. Once we have properly funded the core activities, we can move on to nice new projects. However, there is a serious problem with the funding of many of our basic programmes.

A difficulty with the bill and its associated documents becomes apparent when we try to track where expenditure is and what it means. If, like me, members share an enthusiasm for youth work, they will search in vain for any mention of it in the documents. If I have missed it, I will be happy for somebody to correct me. There is information about children, and a bit about sport, but we are not told much and there is nothing about youth work. I am sure that we spend money on youth work, so that should appear in the documents and we should be able to follow it

through.

I hope that Angus MacKay's excellent efforts will lead to an improvement in that respect, because in Scotland we lack, to a great extent, information and statistics. That must improve. My colleague at Westminster, Edward Davey, who is expert in such matters, has written a good pamphlet about how Westminster could improve its scrutiny of financial affairs—some of his ideas are applicable here. I look forward to co-operating with the Minister for Finance and Local Government—who has a genuine reforming zeal—to reform the system that we use here, because at the UK level it has been abysmal for years.

**The Deputy Presiding Officer:** We move now to the open debate. We have until 16:39, which at this stage would mean speeches of up to five minutes.

16:03

**Mike Watson (Glasgow Cathcart) (Lab):** It is nice to follow Donald Gorrie and to hear that the partnership parties, at least sometimes, speak with the same voice. I hope that that will continue for the rest of the afternoon, although I am not holding my breath.

This afternoon's debate has been strange. We heard Andrew Wilson's single transferable speech, which we get on every budget occasion, and which talks about everything other than the budget itself, although it was enjoyable, none the less. We also heard David Davidson's speech. He was quite circumspect—perhaps he is deferring to his colleague Annabel Goldie, who will wind up for the Conservatives—and he said little about the spending commitments.

**Mr Davidson rose—**

**Mike Watson:** Perhaps that is because it is becoming more and more obvious as we get closer to the general election that the Tory party is hamstrung by Michael Portillo's comments that they would cut something like £16 billion of public expenditure if—in the horror scenario—they were elected. Scotland's share of that would be almost £2 billion. I cannot offer David Davidson the opportunity to respond at the moment, but it would be helpful if Annabel Goldie turned her attention to that issue when she sums up.

**Mr Davidson:** Even some BBC people have said that the figure of £16 billion is fiction. How can a figure that does not exist be cut? We would not, and never will, cut public expenditure. We will increase it in real terms.

**Mr Kenneth Gibson (Glasgow) (SNP):** Never.

**Mr Davidson:** Never is a long time in politics.

Kenneth Gibson ought to get his facts right and



examine the numbers, which our party has never said would be £16 billion of the Labour party's notional spending over the years for which Gordon Brown has planned.

**Mike Watson:** I hope that the Presiding Officer will be tolerant and allow me to answer that point, although it does not relate directly to today's debate—but why should I break the afternoon's trend? I will quote to David Davidson what his mentor Michael Portillo said about Labour's spending commitments. He said that Labour's

“extra spending, over and above what the economy can afford”—

in his opinion—

“is equivalent to £600 for every taxpayer.”

Taken across 28 million taxpayers, that equates to £16 billion that Labour is committed to spending and that a Conservative Government would not spend. I accept that the cut is notional but so, at best, is any Conservative prospect of victory. The matter must be put in the context of the Conservatives' response to the budget. If it came to pass that the Conservatives won the election, we would have about £2 billion less than the encouraging figures in this year's budget.

I suspect that that is why the Opposition has so few options for criticising the Budget (Scotland) (No 2) Bill. Naturally, I welcome that. As Andrew Wilson said, Scotland's budget documents run to 264 pages this year. Last year's equivalent was only 18 pages long. That reflects the fact that we are in the first full year of the process.

Now we have the level III figures, which were not available earlier. Maybe I should adopt the role of the Opposition in commenting on what the minister said. I restate that members and committees need to have the level III figures as early as possible to enable meaningful scrutiny of the proposals at stage 2 of the budget process. We will have the figures this year when the new year's budget comes into being, but we must work—as I am sure that we will—to ensure that the figures are available to us, even in years when a comprehensive spending review or some other review takes place. Whether members received Scotland's budget documents today or—as I did—yesterday, they will not have had enough time to digest all the information. That would be impossible.

I welcomed the minister's comments about some of the changes that he outlined in the letter he wrote to me in my capacity as convener of the Finance Committee. He mentioned a table that shows private finance initiative payments, the real-terms numbers for each department—which the committee asked for—and the fact that the capital charges are shown when they apply for departmental expenditure.

I must take issue with the minister on one point. I am sure that he had no involvement in the matter, but he explained in his letter to me that £111 million has been transferred this year from the Department of the Environment, Transport and the Regions to the Scottish Executive for grants for providing rail services.

The Finance Committee has consistently raised performance targets. I will provide a little light relief, because Annabel Goldie told me that I was being too serious in a stage 2 debate. I wish that I could be a bit more light-hearted, but there may be something for her and other members in what I will say. The performance target for that expenditure—set out on page 54 of Scotland's budget documents—is:

“To deliver rail services . . . under . . . the ScotRail franchise.”

Some people would say that that performance target was pretty ambitious, given recent and current events. I say to the minister that I think that it is pretty vague and not much of a target. It certainly cannot easily be measured, unless a straw poll of commuters is taken at stations such as those that serve the line from Glasgow to Edinburgh—which I use—or the Fife circle. That might provide a hostile response. I raise that point to make it clear that performance targets must be more measurable than that one, which is general.

I have not had the opportunity to read the documents in sufficient detail. We welcome clear performance targets, but if we are to scrutinise meaningfully by moving from outcomes to outputs, as the minister suggested, we must have more specific targets.

16:09

**Mr Kenneth Gibson (Glasgow) (SNP):** Never is a long time in politics, so I will try not to take an eternity with my speech. I am relieved that Angus MacKay was able to make his statement today. Over the next few days, I hope that he will give me the answers to the questions that I asked previously, but which he could not answer.

On today's consideration of Scotland's budget documents, it is not all peaches and cream, as the minister professed it to be. Like other members, I did not have time to absorb the whole tome, but I noted some interesting parts of it. In summing up, perhaps Mr Peacock can inform us why local authority grants for transport will fall by £7.344 million next year and why housing support grants will fall from £12.414 million to a new low of £9.565 million. He might even explain the decline in moneys that will be allocated to community ownership, which will nosedive from £76.483 million to £47.824 million next year, with further decreases in 2002-04.

Andrew Wilson touched on indirect expenditure on schools—I must say that I pointed that out to him over lunch. It is an issue that has been raised in the chamber in recent months by Gil Paterson, Tricia Marwick, Andrew Wilson and others, and it is of great concern to pupils, parents and staff throughout Scotland. We see that there will be a cut from £41.195 million to £34.929 million next year, with further cuts in subsequent years.

Throughout the document there are more cuts, for example, in funding for careers guidance, for further education colleges and for business support. As Gordon Brown continues to display largesse south of the border, Scotland receives a declining share of United Kingdom expenditure. In a normal Parliament, the budget debate would be a wide-ranging assessment of how money is raised, as well as how it is allocated; of what is a fair and efficient way to tax people and what are the optimum choices for expenditure—but not here. This budget takes the funding that is allocated from the Westminster budget and divides it roughly by 11. There is little to which we can take an independent approach. Indeed, as we saw this morning in respect of the Sutherland report, quite the reverse is true. While devolution has created a divergence in policy demand, we have in the Barnett formula a financial system that is designed to produce convergence.

In the main, our criticisms are not levelled at the Government's budget choices, but at the lack of ambition about the tools that are at its disposal. Unfortunately, the Parliament has fewer financial powers than any other legislative Parliament on earth, bar none. I was amazed that David Davidson talked about the constraints on local government, when he knows fine well that we have even less control over the size of our budget than any local authority in Scotland.

**Mr Davidson:** Is Mr Gibson satisfied with the local government settlement and the way that money is continually ring-fenced? He has obviously had a chance to look at the booklet, so will he tell me whether there is a line in there that tells us how we will get Scottish universities out of deficit?

**Mr Gibson:** I am sorry that I have not memorised the 260-odd pages of the document in two hours—that is beyond even my incredible powers. Members will be aware that, for example, more than £1 billion in local government finance was raised through the council tax. That is a higher proportion of council expenditure than the Parliament could raise if it used the 3 per cent tax-varying power.

It is not enough for ministers to boast that most budget areas will spend record levels on public services. Every year tends to be a record year for spending. Even under the Tories, more was spent

each year than in previous years—it is called inflation. In fact, the only year in recent times in which a record amount was not spent was Labour's first year in power when, for the first time since the national health service was established, expenditure on it was cut.

The outcome is there for all to see, in crumbling transport infrastructure, poor hospital buildings and gross underinvestment in housing. More than £1 billion requires to be spent on school buildings alone. We should not have to watch as spending rises more quickly in the rest of the UK than it does here. We have great potential for wealth in Scotland, which is one of the world's largest oil producers. We are a rich country, but we do not yet have the powers to turn ourselves into a rich society. On any analysis of the coming financial period, Scotland is sending more in taxes to London than it receives. As for oil—that is like winning the lottery and handing the money to the next-door neighbour.

Even on the most conservative of estimates, our surplus will total £7.7 billion this year and next—that is £1,500 for every person in Scotland. Yes, we may have higher expenditure than down south but, despite Scotland's greater need, the margins are closing. Our expenditure is dwarfed by our tax contribution, which amounts to 20 per cent more tax per person from Scotland next year than the average for the rest of the UK.

What is the solution to Scotland's economic and social plight? There is only one—independence.

16:14

**Mr Keith Harding (Mid Scotland and Fife) (Con):** Angus MacKay's contribution said more about the Labour party than it did about finance. For a start, Labour, or the Lib-Lab pact, is not spending more on education, health, housing or law and order—the hard-working taxpayers are picking up the bill. Every time taxpayers visit a petrol station or shop, or have the temerity to turn up to work, they pay more. Their taxes pay for the Executive's policies; it is time that the Executive admitted that.

Under Labour, the tax burden has risen from 35.2 per cent of the national income to 37.3 per cent, as stealth taxation has given the Treasury a surplus of around £11 billion. What has happened to our taxes? Where have they gone? They have been wasted by a party that is obsessed with spin and which is bereft of substance. An example is the escalating cost of the Parliament building. It was originally going to cost £25 million, but will now cost some £200 million. More than £6 million per annum is being spent on spin and glossy brochures. The Scottish Qualifications Authority fiasco was costly.

More is being spent on health, but waiting lists are up and there is a public perception that the health service is deteriorating. Some health boards are struggling to meet substantial budget deficits, with a consequent impact on service delivery. More is being spent on education, but so much of that money is ring-fenced that, to meet the Executive's priorities, councils have to increase council tax well above the rate of inflation and cut services at the same time. The services that are cut are those that really matter to the public, such as litter collection, road and pavement repairs, leisure and recreation, libraries and many others. Without question, under Labour, people pay more and get less.

Labour politicians have thrown cash at the new deal, but most of the people whom they claim to have helped would have been helped anyway. After nearly four years in office, Labour's report card is appalling. Police numbers are down and crime is up. Standards in education are down and waiting lists are up. Roads are crumbling and bridges are falling.

Some businesses trusted Labour four years ago when it said that there would be no increase in taxation, yet Scots businesses now suffer from an Executive that is determined to squeeze every penny from their hard-working enterprise. That is why business rates have gone up and that is why the Conservatives will bring them down, because we believe in business and in Scotland. That is why we believe in a low-tax economy that puts the needs of the individual before the needs of Government. We believe in an economy that helps businesses—

**The Deputy Presiding Officer:** Mr Harding, I have been remarkably relaxed during the debate, but let us not have too much of a PPB, please.

**Mr Harding:** Not too much of a what?

**The Deputy Presiding Officer:** A party political broadcast.

**Mr Harding:** With respect, Presiding Officer, I thought that we were politicians.

The Conservatives believe in helping people to help themselves. That is why we mean it when we say that we will abolish tuition fees and be tough on crime. We want people to help themselves, but we also want to help those who cannot do that. That is why we will implement the Sutherland recommendation for free personal care for the elderly and protect those who were prudent enough to save for a better life. It is time that the Executive delivered instead of congratulating itself at every opportunity.

16:18

**George Lyon (Argyll and Bute) (LD):** I

welcome the opportunity to support the Executive in this afternoon's debate. It is rather ironic that there will not be a vote on this motion.

Let us look at the highlights of the Scottish budget. We see a record level of £5 billion over three years for education spending. For health, record levels of spending are confirmed, with an extra £400 million a year. For transport, there is also a record level of spending, with £170 million more cash by year 3 and a rise of 45 per cent. There are also record levels of spending for local services, with a £1.2 billion increase for local government by year 3 and a 57 per cent increase in allocation for the capital programmes.

That has to be good news, and it contrasts quite distinctly with the years of cuts by the Conservatives, continued, unfortunately, during the first two years of the UK Labour Administration.

**Miss Annabel Goldie (West of Scotland) (Con):** I thought that, as a member of one of the coalition parties, Mr Lyon would know that the experts on cuts are in the Executive. As I understand it, my party, which he accuses of cutting, increased police numbers in Scotland, and the coalition Executive has managed to reduce police numbers in Scotland.

**George Lyon:** In addition to the Scottish Executive police grant of £57 million in 2001-02, there will be a further £70 million in 2002-03 and an extra £70 million in 2003-04. That turnaround is substantial.

**Andrew Wilson:** Will the member give way?

**George Lyon:** I do not have a lot of time.

**The Deputy Presiding Officer:** You have five minutes, Mr Lyon.

**George Lyon:** Okay.

**The Deputy Presiding Officer:** Carry on, Duncan Hamilton. No, sorry—Andrew Wilson.

**Andrew Wilson:** I did not realise that I had deteriorated to that extent over the recent months.

The germane point remains that, under the Lib-Lab coalition, there are fewer police on the streets of Scotland today than when the Conservatives left office. That is the reality that the electorate faces at the general election. Why is it that the Liberal Democrats will have to defend that?

**George Lyon:** The future increase in funding will, of course, allow a substantial rise in police numbers to record levels, as Andrew Wilson well knows.

The local government settlement was the Scottish Liberal Democrats' No 1 priority. We have seen removal of the budgetary guidelines and,

with three-year budgets in place, we now have stability.

There are record increases in the settlement for local government over the next three years. That will allow local authorities time to plan. A three-year budget is now in place. Indeed, my constituency, Argyll and Bute, is seeing a 15.9 per cent increase in its budget over the next three years. That is compared with 5 per cent in the previous three years. That will not solve all the problems or change the world overnight, but it is a step change in the level of funding for local government.

I welcome also the increases for education. At a recent meeting with the local school board, many teachers were represented. They too gave a warm welcome to the McCrone deal and were enthusiastic that it would transform the teaching profession if it is implemented. Extra resources are also needed to tackle the huge problems with our school buildings. I do not minimise the challenge—investment of £1 billion is needed to get our school buildings up to scratch—but at least we have turned the corner. We will see an increase in spending over the next year or two.

**Mr Gibson:** Is Scotland's share of UK expenditure increasing or decreasing?

**George Lyon:** As the member well knows, we started off with a record spending level, which is 20 per cent higher than in England and Wales.

**Mr Gibson:** Not any more.

**George Lyon:** Per capita spending is 20 per cent higher than in England and Wales. I am happy with that level of spending.

I want to make progress. The extra funding for health is already beginning to make its mark at constituency level. Mid-Argyll hospital in my constituency has been promised the funding for 10 years. The likelihood is that it will now be delivered within the next two years. On care for the elderly, there is the package that has been announced, as well as the extra bit that I hope will come if the right vote is cast tonight.

I want to highlight another issue: the money spent on abolishing tuition fees, which was a long-held objective of the Scottish Liberal Democrat party. Tuition fees are now fully funded for this year and for the future.

I want to wind up by saying that this is a new beginning in public sector investment. It is a break with the Tories' agenda of cut after cut. For the next three years, we will see that investment begin to make a real difference for the people of Scotland.

**The Deputy Presiding Officer:** I call Duncan Hamilton.

16:23

**Mr Duncan Hamilton (Highlands and Islands)**

**(SNP):** I thank you, Presiding Officer, if you are sure that it is me you mean to call. I must register in the strongest possible terms a complaint about the fact that Andrew Wilson was addressed as Duncan Hamilton. As you know, he has been on a cabbage soup diet, but I do not think that he has quite reached the stage of being in that ball park.

It is worth returning to the point made by Donald Gorrie at the beginning of the debate about the presentation of the document. Like everyone else, I must concede that I have not read the document, because I did not have it. Donald Gorrie's point, however, is worth emphasising. He took the example of youth work. The way in which the figures are presented means that, if we wanted to pull out the figures on the Executive's policy initiatives in that field, we could not do so. By contrast, if I were to open the document randomly at page 220, I would be informed that the National Archives of Scotland has a performance target to issue replies to 60 per cent of correspondence within 15 days and to 90 per cent of correspondence within 25 days. I can honestly say, hand on heart, that not a single constituent in any of the constituencies that I represent has ever even raised that issue. We maybe want to think again about the information that we put in this document. We want accountability and transparency, but we must get the balance right.

I will also pick up on a comment that Lord Watson made. His lordship said that the departmental aims needed to be revisited. The point is made on page 220 that the aim is to enable the National Archives for Scotland to deliver its business as effectively and efficiently as possible. I do not think that anyone in Scotland would have the audacity to challenge that visionary goal. Let us suggest that the presentation should be considered again.

The minister did not say a great deal in his statement, which is why this debate has become slightly redundant. However, he took the opportunity to remind us that we have record investment. As Kenny Gibson said, that is hardly a surprise as every year produces record investment, with the one noticeable exception of the first year under Labour. The Executive would not wish to dwell on that. The minister also failed to mention that, as a percentage of national wealth, public spending on public services is going down and is below the level that it was under the Tories. That suggests that, as some Conservative members have pointed out, this is not the time for self-congratulation.

We are told—this is germane to the debate that we have been having today—that it is a top priority to put more money into the health budget and that

a long-term priority is that the cost of personal care for the elderly will be met. If that is being treated as a top priority, I would hate to be reliant on one of the Executive's lower priorities. It does not suggest that it would be taken very seriously.

The exchange between Andrew Wilson and various Labour members was instructive, because it was pointed out that a fifth of the underspend in health and a seventeenth of the total underspend would cover the cost. We can go into the argument about flows, stocks and reserves as a separate issue. What we can say, at the very least, is that it is entirely indicative of the level of investment that would be needed. I have not heard a single member from the Executive parties contend that if the Parliament decides that it wants to do that as a priority we could not afford to do so, although Dr Simpson looks poised to break that duck.

**Dr Simpson:** Andrew Wilson made a point about using reserves for other purposes. Duncan Hamilton is now making a point about using the NHS underspend at the end of each year. There has been an underspend every year since 1948; it is in the nature of the way in which the money is spent. However, it is not totally predictable. To predicate care of the elderly on the basis of expenditure which we cannot be certain of in future years seems to be the height of foolishness. Is that now SNP policy?

**Mr Hamilton:** No. It will not surprise Dr Simpson to know that I would not accept that what we are describing is the height of foolishness.

The point of the exchange at the Finance Committee—which Dr Simpson attended and I did not, but at least I had the benefit of being able to read it—is that when there was a question about the reserves it was described as a flow. Therefore, the argument that it can be relied upon is much more sustainable according to the expert evidence that the Finance Committee took than anything that we have heard from Labour members.

It is also interesting to note that the figure of £25 million has been disputed only by Labour. No mention has been made of the fact that when that figure was presented to the Sutherland commission, it had a debate on that figure and Lord Lipsey's attempt to mislead people on the figures was rejected.

I was trying to go through today without disagreeing with George Lyon. I was doing terribly well this morning, but I must pick up on one or two points that he made in his speech. He gave some indicative examples on council spending that are worth picking up. He mentioned Argyll and Bute Council, which is of course in—shall I say?—our constituency. He did not mention that the increase is below average. He did not mention the fact that

there is still a major strain on resources in that council. It ill behoves a local member for that constituency to talk down the prospects of further finance. Surely it is the job of a local member to talk up those prospects.

George Lyon also referred to the fact that he was comfortable that on a per capita basis Scotland gets 20 per cent more on health. The point is, where is the momentum? Is it increasing or decreasing? If George Lyon thinks that 20 per cent is justifiable now, why is it not justifiable in the next five or 10 years? Why is a member arguing for a reduction in the Scottish block? I find that incomprehensible—talking of which, I will take Iain Smith's point.

**Iain Smith (North-East Fife) (LD):** On the issue of the NHS, Andrew Wilson, of all people, asked a written question that was answered on 30 November. He asked

“what the difference was in per capita health spending between Scotland and England in 1997-98”

and the projections for such spending in 2003-04. Susan Deacon replied that

“health expenditure per head in 1997-98 was £147 more than in England. Planned expenditure for 2003-04 is £194 more than in England.”—[*Official Report, Written Answers*, 30 November 2000; Vol 9, p 160.]

How is that reducing the gap?

**Mr Hamilton:** That is interesting. On that basis, the Liberal Democrats are presumably declining the concept of the Barnett squeeze—I am not entirely sure that they want to put that on the record. It is the role of parties in this Parliament—[*Interruption.*] Well, now we have a whole host of parties declining the prospect of the Barnett squeeze. It is an economic fact. The role of the Parliament is to try to increase the total budget for Scotland and its services, not to give it away at the first opportunity.

Before I conclude, I suggest that this debate has probably missed the mark. We in Scotland need to think a bit beyond our current confines. There is something nonsensical about our Parliament and its budgets. For example, why should the Parliament be charged with economic development when it has no role in the wider economy? We have to wonder why, if the Parliament is going to argue over the division of the cake, it cannot play its full part in increasing the size of that cake through having its own economic direction based on Scottish needs. That central tenet of this debate has never been answered; this debate has been about good housekeeping, not about vision or the best way forward for Scotland. We should take that route if we want to make real progress.

16:31

**Elaine Thomson (Aberdeen North) (Lab):** I am pleased to be able to take part in this afternoon's debate, which I consider to be one of Parliament's more important debates, as it concerns the expenditure of the best part of £20 billion. That is a lot of money in anyone's book. We are now in the third and final part of the budget process as developed by FIAG. Although this is the second budget bill to be considered, it is the first time that the full budget process has been used. Later, we will reflect on any improvements that can be made to the process.

I am glad to hear that the Opposition parties are not obstructing the bill's progress—the chamber will be pleased to hear that the Labour back benchers are not obstructing it either—particularly as the spending review 2000 has meant that this year there have been unprecedented increases in public expenditure. As George Lyon said earlier, health spending has increased by 15 per cent to £5.5 billion, with transport spending up by 45 per cent.

This year's spending review, which covers the financial period up to 2003, represents the biggest sustained investment in Scotland's public services. Investment from the spending review 2000 and its predecessor, the comprehensive spending review, coupled with the financial stability that three-year budgeting is bringing public services, will make an enormous difference to the levels of service provision. By the end of the first term of the Parliament, there will be an extra £2 billion of spending in Scotland, which represents an extra £600 for every man, woman and child.

In education alone, spending by 2003-04 will be more than £5 billion. That will be crucial to the future of Scotland, as it will mean that it will continue to have a sound economy and be able to compete and win within the developing global economy where knowledge and skills are what matter.

However, I want to make it clear that this expansionary budget results from sound management of the Scottish and UK economies. Members should not take my word for that. The Royal Bank of Scotland has said:

"The UK economy has continued to perform well. There have been 33 quarters of positive growth."

Furthermore, the bank looks forward to

"buoyant economic activity and low inflation over the next two years".

Unemployment is at its lowest level for decades—indeed, there are increasing concerns about labour and skill shortages—which is a positive reflection of the sound economic management by Labour in the UK Government

and Scottish Executive. That sound management is funding the current investment in public spending. After years of Tory mismanagement, sound Labour policies are delivering—

**The Deputy Presiding Officer:** The member will remember my remarks about PPBs.

**Elaine Thomson:** I do.

Sound Labour policies are now delivering for the people of Scotland through today's budget bill. It is important that the Scottish Parliament develops effective scrutiny of the budget and that we ensure that the best use is being made of public money in the delivery of public services. It is also important that the whole process, which was set up to be open, accessible and accountable both to the Parliament and to the people of Scotland, continues to be so and is developed.

As part of the process, the Minister for Finance and Local Government has held public meetings around Scotland, the Finance Committee has met in Aberdeen and the parliamentary committees have been able to input into the budget and discuss the spending priorities in the budget with the relevant minister. I am sure that the process will develop in future years. I was disappointed with some of Duncan Hamilton's remarks. As he is not a member of the Finance Committee, perhaps he is not sure about some of the work that we have been doing in examining the presentation of the budget and the way in which that can be improved.

I was pleased that the minister mentioned the modernising government initiative. Modernising government is extremely important. I am pleased that Aberdeen City Council recently received the highest award from the modernising government fund—some £2 million—which, at the level of local government, will transform the interface between the council and the citizens. I would like that interface at the level of central Government as well, which is part of what the Finance Committee has been discussing in the context of improving the presentation of the budgetary documentation.

Aberdeen City Council is talking about all sorts of exciting things such as electronic accord cards, for use on public transport or for school kids to get their meals, and electronic fault reporting. Some of the schemes are so innovative that other councils want to contract Aberdeen City Council to set them up. The modernising government fund, which is financed by the budget, should be pushed forward. We have a sound budget, and I look forward to its continuation.

**The Deputy Presiding Officer:** If Mr Adam, the SNP's tail-end Charlie, wants a couple of minutes, he can have them.

16:37

**Brian Adam (North-East Scotland) (SNP):** Thank you for that kind remark, Presiding Officer. It is not every day that I am called a tail-end Charlie.

There have been one or two interesting misuses of language this afternoon, which we should not be surprised at from the Executive parties. I am not sure what a step change is. George Lyon used that term. I had an idea that a step change was a quantum leap rather than a sort of shuffle forward. A shuffle forward is certainly better than we have had before, but I hardly think that what has been presented to us today qualifies as a step change—whatever that is.

George Lyon mentioned some changes that have taken place, in regard to the financing of students. He assured us that tuition fees had been abolished. Fees is an interesting word: they could be regarded as a tax or a charge. But how will fees be replaced? They will be replaced by an endowment—a gift. What kind of gift will we get? The opportunity to pay another charge, fee or tax. The only reason why we are not allowed to call it a tax is that the Scotland Act 1998 does not allow the Parliament to levy any new taxes. However, an endowment—in new Labour or new coalition speak—is okay.

**George Lyon:** Mr Adam will understand that the endowment is to the next lot of students, who will receive the benefit of it.

**Brian Adam:** That is an extremely interesting concept. The endowment is almost hypothecated taxes—a case of, “I’ll take the money from you and give it to him.”

The bill lays out the situation a little more clearly, and I concede that there have been advances in the way in which it is laid out. I would like a description of the change—not just in the Government’s programme, as laid out in its manifesto, but in a percentage figure. That would enhance the quality of the material in the bill. I would also like to see an explanation as to how the money is to be expended, on the basis not just of the total amount expended but perhaps of whether expenditure is made on a needs basis and how those needs are assessed.

There are some significant assessment differences and the Government tends to use a wide variety of assessment methods, some of which are not transparent. In the area that I represent, there are some considerable concerns that needs assessments often seem to benefit a particular part of the country and that, when a proper needs assessment might be made, it never benefits the north-east.

16:40

**Iain Smith (North-East Fife) (LD):** This is rather a strange debate to sum up because there does not seem to be much to sum up. I took part in council budget debates for 17 years. At that time, the parties came to a budget debate with different proposals. The administration would produce its plans and the opposition parties would say what they wanted to change.

In today’s debate, however, we have heard little about what the Opposition parties would change in the budget. We have heard an awful lot about the ways in which they think that the process is all wrong and about the fact that the Parliament should have more powers. Although the SNP constantly calls for the Parliament to have more powers, it will not even tell us what it would do with the powers that we already have.

**Andrew Wilson:** Will the member give way?

**Iain Smith:** In a moment.

Would the SNP use the tax-varying power? It has not said whether it would. If it would not, how would it fund the additional spending commitments that it keeps coming up with and how would it address the alleged cuts that appear in the budget document?

**Mr Gibson:** Alleged cuts? The member should read the document.

**Iain Smith:** If the SNP is to address the cuts that it claims there are, it will have to remove something from the budget to do so, unless it uses the tax-varying power. Not once has the SNP told us what it would cut in order to fund the changes that it wants.

**Andrew Wilson:** How do the Liberal Democrats propose that we pay for Sutherland if not by cuts?

**Iain Smith:** We want there to be a commitment to the principle of Sutherland, but we do not expect the recommendations to be implemented overnight. They will be implemented as and when the resources are identified.

The budget includes a number of the priorities that we were elected to the Scottish Parliament to deliver. We wanted there to be more money for schools, health, the police and local government. All of that has been achieved in the budget, and that is important for Liberal Democrats. Also of great importance to us is the fact that the budget provides the money for the abolition of tuition fees. I am sorry, but what Brian Adam said was absolute nonsense: the endowment is to fund grant support for students from low-income backgrounds. If the SNP does not want that grant support to go to those students, its members should feel free to vote against the endowment. The endowment is not to fund tuition fees; tuition

fees are being funded already.

David Davidson wanted to know where the line was on support for our hard-pressed universities. On page 143 of the document, he will see that there is a real-terms increase in direct support for current funding for higher education institutions of £35 million.

**Mr Davidson:** Will the member give way?

**Iain Smith:** I have only a minute left and have much to say.

As I said, for 17 years in Fife, I took part in budget debates. Each year, I talked about the dreadful situation that we were in because of the cuts that were being imposed on local government by the Conservative Government. *[Interruption.]* I spoke about cuts that were imposed by Conservative Governments, never by a Liberal Democrat administration. There were guidelines, caps, clawbacks and, in the last three years alone of Conservative rule, the Government managed to claw back a cut of £500 million from local authorities in Scotland. Yet the Conservatives have the nerve to say today that the Executive—with record increases in its spending for local government—is putting the squeeze on local government. That is nonsense.

**The Deputy Presiding Officer:** I must ask Mr Smith to wind up.

**Iain Smith:** This Government is addressing the years of underfunding of local government, and I am proud to be a part of the partnership Government that is delivering that.

16:44

**Miss Annabel Goldie (West of Scotland) (Con):** The budget document hardly leaves one flushed with excitement. Mr Smith's speech was the most stimulating to my fluttering heart that I have heard all afternoon—I have never listened to such unadulterated hogwash in my life. If Mr Smith has the brass neck to accuse the Conservatives of cuts, he should explain to the coalition partners and the rest of the Scottish Parliament why less is being spent on education now than was being spent under the Conservatives three years ago.

Budgets boil down to three components: what have we got, what do we decide to spend it on and do we get value for the spend? Straddling those three premises is the budget process.

One of the virtues of the Parliament is its committee structure. Today, I will quote not Greek tragedy, Mr Gorrie, but the words of Robert Burns:

"Humid seal of soft affection,  
Tenderest pledge of future bliss,  
Dearest tie of young connexion  
Love's first snow-drop, virgin kiss!"

The minister should not take this personally, but the virgin kiss that the committees are seeking from him is disaggregation—that would indeed be virgin. Will the Deputy Minister for Finance and Local Government confirm whether more detailed figures are to be disclosed before stage 2? Without that information, the budget process is defective.

To turn to the question of what to spend the money on, there are concerns. Quite simply, they are that waiting times for the ill are up; the number of police officers is down since 1997; the level of crime is up; prisons have been closed; students are worse off; and there is no provision for the modest spend that is necessary to implement Sutherland's recommendation for universal personal care. There has to be a strong suspicion that those concerns are not being robustly addressed in the budget.

On value for money, £18 billion is a very great deal, particularly when it is produced by the public and the taxpayer. David Davidson was absolutely right: the Executive can jaw away about inputs and outputs, but it is outcome, performance and efficiency that have to be the determinants of value for money. While Mr Davidson has affirmed the position of the Conservative group—that we shall not vote against the budget—that should not be construed as complacency at or pleasure in what it has to offer.

16:47

**Mr Adam Ingram (South of Scotland) (SNP):** We on the SNP benches offer no opposition to the general principles of the Budget (Scotland) (No 2) Bill. However, we would wish the Executive to lodge amendments at stage 3 to take account of the Parliament's will to fund free personal care for the elderly, as demonstrated in the debate this morning and, we hope, in the forthcoming vote.

As Angus MacKay indicated, this is the first budget bill to have emerged from the budget process as envisaged by FIAG. As the pre-Christmas debate on the Finance Committee's report on the draft bill revealed, there is still a considerable way to go before the process can be described as entirely satisfactory in terms of allowing full scrutiny by and input from the parliamentary committees. I welcome the Executive's commitment to work with the Finance Committee to make the necessary improvements to that process, and I am sure that the committee members who spoke in the debate, including David Davidson and Donald Gorrie—not to mention Mike Watson and Elaine Thomson—will hold the Executive to that.

The total budget available to the Parliament to secure the objectives of prosperity and social



justice is £18.4 billion. That is less than half the £41.5 billion of tax revenues that were extracted from Scotland by Her Majesty's Treasury in London.

The SNP will continue to champion the case—as Kenny Gibson and Duncan Hamilton did so eloquently this afternoon—that Scotland would be significantly better served if this Parliament assumed the responsibility not only for the distribution of all tax revenues raised in Scotland but for fiscal policy in its entirety. That would allow for a programme not just for the modernisation of government, but for the establishment of a real Government for Scotland. It would allow for much more meaningful budget debates than the one we have—unfortunately—had this afternoon.

**The Deputy Presiding Officer:** I call Peter Peacock to respond to the debate on behalf of the Scottish Executive. The minister has until 5 o'clock if he so wishes.

**Alex Neil (Central Scotland) (SNP):** On a point of order, Presiding Officer. Apparently, the press have been informed that there is to be an Executive statement after 5 o'clock, on the long-term care of the elderly. Why do the press know that there is to be such a statement, but members have not been informed? Is it in order for me to move that the Executive statement be made before rather than after decision time?

**The Deputy Presiding Officer:** I have no knowledge whatever of the point that the member raises, as I have been in the chair since half-past 3. I will have inquiries made, but at this point the appropriate course of action is to ask the minister to continue with his winding-up speech.

16:50

**The Deputy Minister for Finance and Local Government (Peter Peacock):** Some important points have been made in this short debate, as well as the usual passages of fantasy from the SNP and disguise from our Conservative friends.

The Budget (Scotland) (No 2) Bill highlights the achievements of the Scottish Government over the past year. It reflects record levels of public expenditure, which have been made possible by the sound stewardship of a Labour Government with a Scottish chancellor in Westminster. They are delivered through the continuing success of the Barnett formula in securing a fair share of the UK's wealth for Scotland, without recourse to an annual round of detailed and damaging negotiations, which is what the SNP seeks by attacking the Barnett formula.

The spending review has provided an increase to the Scottish budget of expenditure of £800 million in 2001-02. The details of the bill provide

for that money to be spent on the programmes of the Scottish Executive. There will be increases of £1.9 billion in 2002-03, and £3 billion in 2003-04.

**Andrew Wilson:** Does the minister accept that even after those record increases in spending, at the end of the Labour Administration, just as at the beginning, the Executive will devote less of the nation's wealth to valued public services than when the Conservatives left office?

**Peter Peacock:** One cannot spend percentages or proportions, but one can spend real money. Substantial additional real money will come to Scotland. There will be increases of £800 million in 2001-02, £1.9 billion in 2002-03, and £3 billion in the year after that. Those are record levels of resources for key Government programmes.

I will respond to as many of the points that have been raised in the debate as possible. First, I apologise that the detailed budget documents were not available to Andrew Wilson. I recommend that he go on one of the rapid reading courses that the Administration arranges, which would improve his ability to read those documents. I understand that if one goes on two rapid reading courses, one can read four times as quickly, so I recommend that as a future tactic.

Andrew Wilson reverted to his usual whingeing and moaning, girning and greeting, about the Scottish position. He focused entirely on what we cannot do in Scotland rather than on what we can do: we can do an immense amount with the current budget.

Several members, such as David Davidson and Mike Watson, talked about the importance of including level III figures in the budget document. We accept that point, and want to include such figures. There is no difficulty about doing so in a normal year, but it is difficult to do so in a comprehensive spending review year, such as the past year has been. We cannot promise that level III figures can be provided in the required time scale on every occasion, as we are not in control of the time scale according to which spending reviews are conducted south of the border. *[Interruption.]*

**The Deputy Presiding Officer:** Order. There are far too many private conversations going on in the chamber. If members wish to conduct private conversations, they should do so outside the chamber.

**Peter Peacock:** David Davidson complained that there was no detail, but he had obviously not seen the budget document when he said that. Mike Watson properly pointed out that the document is several times larger than previous documents. That fact reveals that much more information is being given. Several members, including Mike Watson and Duncan Hamilton,

referred to performance targets and asked whether we were meeting our outcomes and targets. We are very serious about pursuing that issue with the Finance Committee. As Annabel Goldie made clear, we need to examine the outcomes of our expenditure as well as the outputs. We want to work with the committee to ensure that we are more focused on outcomes than on inputs.

**Mr Davidson:** I was not complaining about what was in the document to which the minister referred. I was complaining that the document did not contain the detail that the committees need, so that they can see how policies translate into action on the ground.

**Peter Peacock:** As we have said, Angus MacKay and I are more than happy to examine the matter in considerable detail. We want to move the debate on.

One does not advertise Mars bars on the basis of how many people are employed to make them—one advertises them on the basis of how good they are and what their consumption will mean to people. We must move to that approach in relation to public services—we must examine the outputs and outcomes of our spending, not just the inputs.

**Andrew Wilson:** The deputy minister said that we should focus on outcomes rather than on inputs when it comes to the budget. Are the deputy minister and the Government satisfied that, after the Labour Administration has been in power for three years, homelessness is at a record level, NHS waiting lists are higher than they were when Labour came to power and there are fewer police officers on the streets than there were when Labour came to power? George Lyon made a point about the extra spending, but even after extra spending on the police, at the end of the next Labour Administration there will be less than half a police officer more than when the Conservatives left office.

**Peter Peacock:** As George Lyon indicated, the purpose of the bill is to release much more resource into the system this year, even more resource the year after that and yet more the year after that, to address and tackle the points that Andrew Wilson raised.

We are not seeking to hide from the reality of performance measures and performance targets. We want them to be put into the system for the purposes of discipline, to ensure that we are getting best value for expenditure.

Other members referred to the creation of a reserve in the budget. A small reserve is being created—not by deliberate underspending but through a line that has been inserted this year. We have not decided that the reserve will continue in

future years. Richard Simpson and other members made a number of points on the difficulty of attaching long-term spending to a short-term budget decision, as that would be quite inappropriate and would lead to trouble.

**Andrew Wilson:** At this late hour, we finally have clarity on the reserve. Mr MacKay said that the reserve was a one-off and would not recur. However, the deputy minister has just said that an allocation to the reserve will be made in each of the next four years. That point is also made in the budget document. Can that reserve be accessed or not? *[Interruption.]*

**The Deputy Presiding Officer (Patricia Ferguson):** Before the deputy minister resumes his speech, I ask members to keep down the level of background conversation.

**Peter Peacock:** I indicated that there is a line for the reserve in this year's budget. However, no definite decision has been reached about the years to come. That is why we cannot build basic expenditure around the reserve. Andrew Wilson's point reveals just how inadequate is the SNP's financial management. The SNP cannot even manage its own budget—its new London leader has taken it to the brink of bankruptcy. It is having to flog off its office and move to the margins of Edinburgh, and having to borrow money to pay off its debts, rather than borrowing to invest. It is no wonder that no one trusts the SNP with government in any part of Scotland.

The creation of a treasury was referred to. I detected a small frisson of excitement about that, but no one should get too excited. The finance function of the Executive will develop over time—it is developing already. Angus MacKay referred to the best-value function, to a strengthening of the budget process over time and to the Executive performing a more corporate role in relation to setting and monitoring standards and outcomes for expenditure. All those factors will be added into the equation of how the finance function develops. However, it will not become a treasury function in the way that some members attempted to indicate.

This is a record budget which delivers record levels of services, not vague promises on the never-never. It delivers extra spending of £800 million next year, £1.9 billion in 2002-03 and £3 billion in 2003-04. On top of that extra spending, we have demonstrated our commitment to getting more out of existing funding.

I commend those achievements and the bill that will deliver on them to the Parliament.

## Points of Order

16:58

**Alex Neil (Central Scotland) (SNP):** On a point of order, Presiding Officer. Twenty minutes ago, I raised a point of order about a statement by the Executive.

**The Deputy Presiding Officer (Patricia Ferguson):** I am in a position to answer that point of order, Mr Neil.

**Alex Neil:** The Minister for Parliament is in the chamber. Can he tell us why the press knew about half an hour ago that there was to be an Executive statement, while members did not? Is it intended that that statement should be made before or after the votes at 5 o'clock?

**The Deputy Presiding Officer:** I have received a request for an urgent ministerial statement to be made. I intend to allow that statement to be made before decision time. As is required by standing orders, I will then allow a few brief questions to be asked of the minister. We will then proceed to decision time.

**Ms Margo MacDonald (Lothians) (SNP):** On a point of order, Presiding Officer.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** I will hear Ms Marwick's point of order.

**Tricia Marwick:** The Executive has had three opportunities in the past two days to make its position absolutely clear. There was yesterday's statement, then a debate today, then First Minister's question time—[*Interruption.*]

**The Deputy Presiding Officer:** Order. I cannot hear the member.

**Tricia Marwick:** If the Executive statement has any material bearing on today's debate, I ask the Presiding Officers to reconsider their decision. Unfortunately, we are not party to what the statement contains, but if it affects the debate materially, I argue that the Executive has had plenty opportunity to make its position clear to the chamber.

**The Deputy Presiding Officer:** As I have already said, I intend to take the ministerial statement before decision time. I am now going to call Mr Tom McCabe—

**Ms Margo MacDonald (Lothians) (SNP):** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** I hope that it is not the same point of order.

**Ms MacDonald:** Can you rule as to whether, on a future occasion, if any party wishes to make a statement following a debate, you will allow that statement to be made and that that gesture will not be made simply towards the Executive?

**The Deputy Presiding Officer:** I cannot, and nor can my colleagues, predict what issues may arise in the future. However, I will say to Ms MacDonald that there is provision in the standing orders for ministerial statements of an urgent or emergency nature to be made.

**Alex Neil:** On a point of order, Presiding Officer.

**Mr Lloyd Quinan (West of Scotland) (SNP):** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** We have deemed that the statement this afternoon is of such a nature.

Members cannot make a point of order while I am still speaking. That is a matter of common courtesy and, apart from that, what I am saying may pertain to the point that the members are trying to make.

I was saying to Ms MacDonald that there is provision in the standing orders for this statement to be taken this afternoon. It is our intention to take it.

**Alex Neil:** My point of order relates to how the press knew about this half an hour ago and yet Parliament has only just been told. Were the press informed by the Executive or by the office of the Presiding Officer? Is it not out of order that members are not told before the press that there is to be a statement?

**The Deputy Presiding Officer:** All I can tell you, Mr Neil, is that the decision to hear the statement was agreed by the Presiding Officers after your point of order earlier this afternoon. We do not know that the press knew of it earlier than that. We have no way of knowing whether the press knew of it earlier. If we find that the press did know earlier, that would obviously be dealt with accordingly. However, that is not our information at this stage.

**Lord James Douglas-Hamilton (Lothians) (Con):** On a point of order, Presiding Officer. I understand that, under rule 13.2.2 of the standing orders, the statement will be debated. Can you confirm how many members will be called from each party?

**The Deputy Presiding Officer:** Given that we are now past the scheduled time for decision time and that we need to conclude decision time shortly, I intend to take one member from each of the major parties. I now call Mr McCabe—

**Tricia Marwick** rose—

**Tommy Sheridan (Glasgow) (SSP):** On a point of order, Presiding Officer. I hope that you will accept that the ruling that you have just given—that only members of the major parties may speak—could set a very unhappy precedent. The definition of major parties may change, as you well know. May I invite you instead to say that you will give an opportunity to all the parties in this Parliament? That would be much more courteous. Quite rightly, you made a point about members showing courtesy while others are speaking.

**The Deputy Presiding Officer:** I am not setting a precedent, Mr Sheridan, because we review each case on its merits. This afternoon, I will take one member from each of the major parties.

**Tricia Marwick:** On a point of order.

**The Deputy Presiding Officer:** I hope that this is a different point.

**Tricia Marwick:** It is a different point. You have indicated that the Presiding Officers have agreed that the statement is of an urgent or emergency nature and that, under standing orders, you will take it. Do I therefore take it that you have knowledge of the statement? Can I ask the Presiding Officers whether the statement relates to the debate that we have had today? What is it about this emergency statement that makes it so urgent that you have had to take it?

**The Deputy Presiding Officer:** We could hardly judge it to be of an urgent nature if we did not know the topic to be covered. We do know the topic to be covered; we do not know the content. We are, however, advised that it is germane to today's proceedings. We have therefore decided to take it. I intend to call Mr McCabe now—

**Tricia Marwick** *rose*—

**Mr John Swinney (North Tayside) (SNP):** On a point of order, Presiding Officer. The Opposition parties depend on the protection of the chair in the issues they bring forward in the Parliament. We provided an opportunity for personal care of the elderly to be debated in Parliament this morning. You said that you do not know the content of the statement. With respect, I question how the Presiding Officers can judge the statement that Mr McCabe proposes to make to be of an urgent nature if you do not know its content.

**Members:** That is not a point of order.

**The Deputy Presiding Officer:** I remind you of the rules governing questions to the chair about rulings. However, as a matter of courtesy I will say that the subject under discussion has been of great interest to members of the Parliament and to the public. In such circumstances it is appropriate to take the statement at this time. I intend to move to take the statement.

**Dennis Canavan (Falkirk West):** On a point of order. The Parliament has agreed that decision time should be at 5 pm. It is now after that time, so I move that the questions be now put.

**The Deputy Presiding Officer:** I have the power to change that and I propose to do so.

**Tricia Marwick:** On a point of order, Presiding Officer. We are in your hands on this matter. Will you confirm that the content of the emergency statement could not have been given during the debate today?

**The Deputy Presiding Officer:** If we move to the statement we will find that out—*[Interruption.]* Let me finish. Suffice it to say that the information we have leads us to that conclusion. *[Interruption.]*

**Tricia Marwick:** Will you repeat that?

**The Deputy Presiding Officer:** I said that the information we have leads us to that conclusion.

## Personal Care for the Elderly

**The Deputy Presiding Officer (Patricia Ferguson):** I call Mr Tom McCabe to make a brief statement.

17:07

**The Minister for Parliament (Mr Tom McCabe):** Thank you. It is right to say that other parties were not given notice of this statement, but the change of subject for debate here today was not notified to the Executive or to other parties.

The entire Scottish Executive listened very carefully to the debate in the Parliament arranged at short notice today and to the debate outwith the Parliament about the care of the elderly over recent months. We have taken cognisance of the views expressed yesterday and today, especially the sincerely held views of our colleagues in the Liberal Democrat and Labour parties. Today's very helpful amendment commits us only to move forward, but I want to put on record on behalf of the Executive where the process will lead us. I can therefore assure the Parliament that the Executive will bring forward, as soon as practicable after consideration of the development group's report in August 2001, proposals for the implementation of free personal care for all—[*Applause.*]

**The Deputy Presiding Officer:** Order.

**Mr McCabe:** That will be accompanied by—[*Interruption.*]

**The Deputy Presiding Officer:** Order.

**Mr McCabe:** It will be accompanied by an analysis of the costs and implications of so doing. [*Applause.*]

**The Deputy Presiding Officer:** Order. [*Interruption.*] Mr Cleland, I will have to suspend the meeting if you do not leave the gallery.

17:09

*Meeting suspended.*

17:10

*On resuming—*

**The Deputy Presiding Officer:** I call Nicola Sturgeon to speak on behalf of the Scottish National Party.

**Nicola Sturgeon (Glasgow) (SNP):** It is absolutely disgraceful, given that the Government—[*Interruption.*] Never has a word seemed more inappropriate—[*Interruption.*]

**The Deputy Presiding Officer:** Order.

**Nicola Sturgeon:** The Government has had three opportunities in the past two days, but it has taken—[*Interruption.*] I think that you should call some order, Presiding Officer.

**The Deputy Presiding Officer:** The chamber will come to order and members will refrain from trying to give me instructions. Ms Sturgeon, you may continue. I expect silence from the other members.

**Nicola Sturgeon:** The Government—a word so inappropriate—has had three opportunities in two days to clarify its position and it is disgraceful that it has taken until two minutes before a vote in which it was staring defeat in the face to clarify its decision. The Government is driven less by care for the elderly and more by consideration of its own political survival.

Let me make it clear that I welcome the movement by the Government this afternoon. However, let me make it equally clear that it is nothing short of tragic that the Government has had to be dragged kicking and screaming to give justice for Scotland's elderly people. This afternoon is a victory for the elderly people of our country. The Government does not know its own mind from one hour to the next—it is a Government in disarray. It has been roundly humiliated in the chamber this afternoon. Let me make it abundantly clear: the Government will never be forgiven for failing the pensioners of Scotland.

In light of the rather hurried statement that we have just had from Tom McCabe, there is no reason whatsoever for any member to vote against the motion in the name of John Swinney. I expect a unanimous vote in favour of the motion calling for full implementation of the Sutherland report.

**The Deputy Presiding Officer:** Before we proceed, I must insist that members hear out members quietly and with courtesy.

**David McLetchie (Lothians) (Con):** I welcome in part the statement that has been made by Mr McCabe. It represents a victory for many people who have campaigned for the implementation of the Sutherland recommendation on personal care costs. I appreciate the fact that the Executive has listened on that point. In a sense, it represents a triumph for all those members—of all parties—who have campaigned for that initiative.

However, I would say that the Liberals have been bought off somewhat cheaply. If we read the motion that they were apparently intending to vote for later today, it calls for not only an "unequivocal commitment" to Sutherland, but

"a definite timetable for its implementation."

I may have misheard Mr McCabe, but I do not

think that his statement included any such definite timetable for implementation. All we were told is that, some time after August, once the Executive has received the report of its development group, another set of proposals will emerge. What the Executive has said—although I welcome it in part—falls well short of what members of the Scottish Parliament intended to vote for. If the Liberal Democrats wish to maintain momentum on the issue and to achieve what many members seek, they should vote for the original motion, because it calls for a definite timetable, which is absent from Mr McCabe's statement.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** I would have preferred the Minister for Parliament's statement to have been made during this morning's debate, or even during First Minister's questions. That would have shown courtesy to the Parliament and to all its members.

I welcome the Executive's belated move in the right direction. Will the minister confirm that the Executive is now giving a clear, firm, unequivocal commitment to free personal care for all?

On the definite timetable—a question that I was going to raise even if Mr McLetchie had not mentioned it—will the minister now tell the chamber that the development working group, which was announced yesterday, will in August 2001 produce a definite timetable for the full implementation of that commitment, and that that statement will be made as soon as the Parliament resumes after the summer recess?

That was a question. I would like an answer to it.

**The Deputy Presiding Officer:** We will now move to decision time.

**Members:** Oh!

**Mr Raffan:** On a point of order, Presiding Officer.

**Mr John Swinney (North Tayside) (SNP):** On a point of order.

**The Deputy Presiding Officer:** Mr Swinney, I was about to take Mr Raffan's point of order.

**Mr Raffan:** On a point of order, Presiding Officer. It is normal practice in this chamber to ask questions of the minister when a ministerial statement is made, which is why I put my response in the form of a question. I would be grateful if the Minister for Parliament could reply to it.

**Mr McCabe:** The Executive is unequivocally committed to bringing proposals to this chamber that will implement free personal care for all. Those proposals will allow every member of this chamber to take a decision which implements those proposals.

**Members:** When?

**The Deputy Presiding Officer:** We have to move to decision time.

**Mrs Margaret Smith (Edinburgh West) (LD):** On a point of order. Speaking as somebody who has enjoyed a great deal of consensus on this issue in the past, I would like us to speak with one voice on this issue today—

**The Deputy Presiding Officer:** Can we have a point of order?

**Mrs Smith:** We have delivered what we came to this Parliament to do, so I ask John Swinney to withdraw his motion, and the others to withdraw their amendments, to allow us—

**The Deputy Presiding Officer:** That is not a point of order, Mrs Smith.

## Decision Time

17:18

**The Deputy Presiding Officer (Patricia Ferguson):** The first question is, that amendment S1M-1584.1.1, in the name of Mr Murray Tosh, which seeks to amend amendment S1M-1584.1, in the name of Sarah Boyack, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** I hear dissent, therefore there will be a division.

### FOR

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

Young, John (West of Scotland) (Con)

### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)

Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 53, Against 69, Abstentions 0.

*Amendment to the amendment disagreed to.*

**The Deputy Presiding Officer:** The second question is, that amendment S1M-1584.1, in the name of Sarah Boyack, which seeks to amend motion S1M-1584, in the name of Bruce Crawford, on roads of Scotland, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)

McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeish, Henry (Central Fife) (Lab)  
 McLetchie, David (Lothians) (Con)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Mundell, David (South of Scotland) (Con)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)



Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 86, Against 35, Abstentions 1.

*Amendment agreed to.*

**The Deputy Presiding Officer:** The third question is, that motion S1M-1584, in the name of Bruce Crawford, on roads of Scotland, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)

McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeish, Henry (Central Fife) (Lab)  
 McLetchie, David (Lothians) (Con)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Mundell, David (South of Scotland) (Con)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)

Russell, Michael (South of Scotland) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 88, Against 34, Abstentions 1.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament recognises the strong concerns expressed by the local government consortia and trade unions about the award of the contracts for the management and maintenance of the trunk road network; in particular notes their concerns about the contract assessment process, the future operation of the trunk road services and the potential knock-on implications for local authorities, and calls upon the Executive to continue further exploration of all outstanding issues.

**The Deputy Presiding Officer:** The fourth question is, that amendment S1M-1589.2, in the name of Dr Richard Simpson, which seeks to amend motion S1M-1589, in the name of Mr John Swinney, on personal care for the elderly, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)

Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)

Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 65, Against 55, Abstentions 1.

*Amendment agreed to.*

**The Deputy Presiding Officer:** As amendment S1M-1589.2 has been agreed to, amendment S1M-1589.1 has been pre-empted and falls.

The next question is, that motion S1M-1589, in the name of Mr John Swinney, on personal care for the elderly, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Harper, Robin (Lothians) (Green)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)

Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 65, Against 20, Abstentions 36.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament recognises that there are benefits in providing free personal care for the elderly; welcomes as a major step in this direction the further package of proposals announced by the Executive on 24 January 2001 which set out a process that will lead to a substantial extension of free personal care; notes that there are significant issues of cost and practicality in moving further and calls upon the Executive to broaden the terms of reference of the Development Group to require it to consider the practicalities, costs and implications of providing free personal care for all and to report by August 2001 with proposals that will inform the Executive's expenditure decisions for 2002-03 and beyond.

**The Deputy Presiding Officer:** The final question is, that motion S1M-1574, in the name of Angus MacKay, on the general principles of the Budget (Scotland) (No 2) Bill, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** We have dissent, so there will be a division.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)

Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### **ABSTENTIONS**

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)

Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 67, Against 0, Abstentions 52.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Budget (Scotland) (No 2) Bill.

## Points of Order

17:25

**Michael Russell (South of Scotland) (SNP):** On a point of order, Presiding Officer. The confusion about what we were voting on in this afternoon's proceedings—arising from the fact that we were not voting on the minister's statement and did not know whether the statement could be questioned—raises considerable questions for the chamber. I see that the convener of the Procedures Committee is in his place. I ask you and your fellow Presiding Officers to reflect on what took place this afternoon and to seek a referral to the Procedures Committee so that we are never again in the position where the procedure confuses members and—I believe—abuses the Parliament.

**The Deputy Presiding Officer (Patricia Ferguson):** Presiding Officers, as of habit, review most of their decisions, so I am sure that we can comply with your request, Mr Russell.

We move to decision time.

I am sorry—I am the one who is confused now. We move to members' business.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** On a point of order, Presiding Officer. I appreciate that the statement was exceptional, but I agree with Mr Russell. It should be clear in future, in exceptional circumstances such as this, whether statements are subject to questions. That is crucial, for the clarity of what is going on, in our interests and in the interests of the people we represent.

**The Deputy Presiding Officer:** I have taken your point, Mr Raffan.

## Robert Burns

**The Deputy Presiding Officer (Patricia Ferguson):** The final item of business today is a members' business debate on motion S1M-1506, in the name of David Mundell, on Robert Burns.

*Motion debated,*

That the Parliament recognises the immeasurable contribution which the life and works of Robert Burns have made to the history and culture of Scotland; commends the activities of the Robert Burns World Federation, individual Burns' Clubs and the many other organisations and individuals who are dedicated to preserving and promoting Burns' memory and work in Scotland and abroad, and believes that the Scottish Executive should do all it can to ensure that the maximum educational, cultural and economic, particularly from tourism, benefits are gained by the people of Scotland from Robert Burns' global legacy.

17:27

**David Mundell (South of Scotland) (Con):** I have been flicking through my Burns tome to see whether he had some suitable words for what has happened today, but even he would be at a loss for words for the preceding events.

On the way to the chamber this afternoon, members will have passed one of the many places where Burns stayed during his time in Edinburgh 215 years ago. I do not know what Burns would have made of the Scottish Parliament; others may choose to speculate during the debate. However, he was certainly here at the birth, when Sheena Wellington so movingly sang "A Man's a Man for a' that." All members—on that day at least—echoed the sentiment:

"It's coming yet for a' that.  
That man to man, the world o'er  
Shall brithers be for a' that."

However, I like to think that Burns, with a roguish smile, is looking down on us, thinking that his lines from "To a Louse" are appropriate for politicians:

"O wad some Pow'r the giftie gie us  
To see *oursels* as *others* see us!  
It wad frae monie a blunder free us  
An' foolish notion."

What the Parliament can do for Burns is to recognise his importance and—not just today—to celebrate his life and works. Voted Scot of the millennium in recent polls, he is a man who should be at the heart of our culture. His place as our leading literary figure should not be in doubt; nor should it depend on fashion or the latest fad among the luvvies in the arts organisations. His memory and his work are to be treasured. We must put in the resources that will do that, rather than leaving the burden on the shoulders of volunteers and enthusiasts. Institutions such as

Scottish Enterprise and the Scottish Tourist Board, along with the Executive, have a significant role to play.

Presiding Officer, you will be relieved to hear that I will not be delivering an immortal memory—according to the Scottish Tourist Board website, an immortal memory should last 25 minutes. The website says:

"A briefer time is considered sketchy and only the most gifted can command the interest of a company beyond half an hour".

Therein lies one of the principal issues that I want to highlight tonight. Although the Scottish Tourist Board's website offers the casual browser tips on holding a do-it-yourself Burns supper, a search for the name Robert Burns on [visitscotland.com](http://visitscotland.com) does not bring up any details of where to go or what to see, although it gives details of 200 other sites to visit. Surely it is ridiculous that more tourist information about Burns is available on sites operated by private individuals in north America than through our own publicly funded organisations.

We must not underestimate the global significance of the name Robert Burns. His life and work is celebrated not just here in his own country, but in every corner of the world. As Scots, we should be proud of that inheritance, but we must not be so proud that we do not take advantage of it. We must find ways of bringing direct benefits to Scotland from his global recognition in the same way that our friends in England have been able to market Shakespeare. After all, the average north American knows Burns's version of "Auld Lang Syne" far better than any Shakespeare sonnet.

One such individual is Jeremy Boot, who strikes a particular chord with me when he says on his website:

"I have come to Burns' work late. I am not an expert on the subject; I have created these pages for enjoyment and in the hope that it may inspire the reader to dig further."

I, too, am not an expert, but I have grown older—shockingly, to an age older than Burns when he died—and I have come to understand the wide range of Burns's work, which I am sure individual members will highlight, from gentle love songs such as "Ae Fond Kiss" and "My Luve's like a Red, Red Rose" to the raucous, rhythmic "Tam o' Shanter". "Tam o' Shanter" contains my favourite lines, never better delivered, in my view, than by the late Bill Dunlop of the Kilwinning Burns club:

"But pleasures are like poppies spread,  
You seize the flower, its bloom is shed;  
Or like the snow falls in the river,  
A moment white—then melts for ever;  
Or like the borealis race,  
That flit ere you can point their place;  
Or like the rainbow's lovely form  
Evanishing amid the storm."

Not just Burns's words, but his life, are as relevant to us today as they were 250 years ago. We are now a nation obsessed with soap operas, but Burns's life had more real ups and downs, more twists and turns, more loves and griefs, more depth and sheer humanity than any of the modern television dramas from which we are supposed to learn how to cope with our everyday problems. Phil and Grant Mitchell could learn a thing or two from Robert Burns, and we must ensure that, through our school curriculum, young people throughout Scotland also have the opportunity to do so.

At the moment, much of what happens in our schools is down to the Robert Burns World Federation, and I welcome its chief executive, Shirley Bell, to the gallery and pay tribute to her work. [MEMBERS: "Hear, hear."] Her organisation supports Burns clubs around the world with no public funding other than the support of East Ayrshire Council. That must change if this Parliament takes preserving and promoting the Burns legacy seriously. I hope that the Deputy Minister for Sport and Culture will recognise that.

In the preface to the first edition of his works in 1786, Burns stated that if

"after a fair, candid and impartial criticism, he shall stand convicted of dullness and nonsense, let him be done by as he would in that case do by others—let him be condemned, without mercy, to contempt and oblivion."

Although some outside the chamber might cruelly suggest that such a fate awaits some members of this Parliament, it is not true of Robert Burns. His legacy is global and his persona iconic. Let us toast his memory by supporting the motion.

17:35

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** Members will be aware that I have been uncharacteristically quiet this week and they will notice that I am suffering from a loss of voice. My constituency—Carrick, Cumnock and Doon Valley—contains Alloway, the birthplace of Burns, and Mauchline, where he lived a considerable part of his life. It also contains a number of other locations that are close to the hearts of all Burns enthusiasts. I therefore felt that life would not be worth living if I did not overcome the problems that I face in speaking today and make a short contribution to the debate.

I thank David Mundell for lodging the motion that has allowed us to have this debate. I am glad that he acknowledged the work of East Ayrshire Council in supporting the work of the Burns federation. I also thank South Ayrshire Council for the work that it has done to promote the Burns national heritage park in Alloway and for the other work that is done in local schools throughout

Ayrshire. As a former pupil of an Ayrshire school, I well know the amount of work that was done to give young people a lifelong interest in the life and works of Robert Burns.

David Mundell was right about the need to build on the whole of Burns's life and work to enable us to appreciate our culture and to see it as an integral part of our economic development processes, particularly tourism.

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** Will Cathy Jamieson take an intervention?

**Cathy Jamieson:** I certainly will; I think that it will help my voice.

**Margaret Jamieson:** It will give it a wee rest.

Does Cathy Jamieson agree that financial partnership with the Scottish Executive would aid the emerging local partnership in Kilmarnock between the *Kilmarnock Standard*, Klin Contracts Ltd and East Ayrshire Council to reinstate and open the Burns monument in Kay park in Kilmarnock to many Burns enthusiasts, thereby contributing to the Ayrshire economy?

**Cathy Jamieson:** I very much agree that that kind of partnership is the way forward. The Burns monument in Kilmarnock is one initiative that could be taken forward. There are opportunities to develop other areas, such as Mauchline. There is, of course, a national Burns monument in Mauchline. There are also the Jean Armour homes and the Burns museum, which, as far as I understand it, relies totally on a trust fund to keep going. The museum is not only filled with Burns memorabilia; it is the home of an incredible collection of Mauchline ware and curling stones. We have talked about things of national significance in relation to the museums audit. I hope that the minister will give some comfort to those who have run such initiatives voluntarily over many years and say that we will work towards a strategy in future that puts Burns at the centre of developments. I hope that we can look forward to hearing about progress on that when the minister responds to the debate.

**Mrs Margaret Ewing (Moray) (SNP):** The member spoke about the Burns heritage, in which Ayrshire plays a significant part. In asking the minister about promotion, I request that we talk not only about the poems and songs of Burns, which are well renowned, but about the letters of Burns, which constitute one of the most fascinating pieces of social history in our country.

**Cathy Jamieson:** Absolutely; I agree to the extent that I will finish on this point. When I was preparing to give a reply to the toast to the lasses at a Burns supper at the weekend, I got so carried away reading some of the letters that I forgot that I

was supposed to be writing a speech.

David Mundell mentioned the website that tells people how long an immortal memory should be. However, I found no such guidance on the reply to the toast to the lasses, although I found out that I was supposed to be nice to men, which of course, I always am. We talk about the fact that a man's a man for a' that, but I remind people that Burns also gave a mention to the rights of women. Many of the women here—Cathy Peattie and others—will, I am sure, expand on that during the debate.

17:39

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Politicians are often in receipt of advice and sometimes even take advice. It seems to me that Robert Burns gave us all some of the best advice when he wrote in his address to the Scottish members of Parliament in his day the following lines:

"In gath'rin votes you were na slack,  
Now stand as tightly by your tack:  
Ne'er claw your lug, an' fidge your back,  
An' hum an' haw,  
But raise your arm, an' tell your crack  
Before them a'."

Reflecting on the events of the past 48 hours, I think that it would have been much more straightforward if a simple plan had been in a manifesto and had been promptly delivered after the election. That was the advice that Robert Burns gave. In our heart of hearts, we all know that it is valuable advice, which we will ponder for many a while.

I congratulate David Mundell on lodging the motion. I do so for many reasons. When Burns is celebrated, it is by the people. Burns suppers have lived on as an expression of the support of the Scottish people for our national bard for all these years. Many people criticise Burns suppers, but I have always found that to be elitist and muddleheaded. Surely, if our people gather to celebrate Burns, it does not matter whether the dinners are formal or informal, posh or couthie, in the community hall or in the Hilton Hotel. The fact is that people gather to celebrate the memory of our bard. If some jokes are of a blue nature, we do not mind; in this chamber, we all laugh. We celebrate Burns in many different ways.

When "Burns: The Movie" is made, I make a special plea to ministers that it is made not in Ireland or Hollywood but in our own country, perhaps even with a Scottish actor—Sean Connery is perhaps a bit old for the part, but I am sure that there will be many other contenders.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Duncan Hamilton.

**Fergus Ewing:** Duncan Hamilton has been

suggested. I know that he has many talents, but I do not know whether acting is one of them.

I will conclude by being non-controversial, as always. In response to the question whether Burns was a nationalist, there is only one answer—obviously, patently, demonstrably and incontrovertibly yes. Why? Because he wrote these words, which I will sing:

"Fareweel to a' our Scottish fame,  
Fareweel our ancient glory;  
Fareweel even to the Scottish name,  
Sae fam'd in martial story!"

Members will know the rest of the words; they are on the SNP CD, which is now remaindered, but still available.

I hope that we can all join in toasting the bard at Burns suppers that we attend this year.

**The Deputy Presiding Officer:** I must admit that that is the second time at a members' business debate that I have been obliged to turn a blind ear to what is going on in the chamber.

**Fergus Ewing:** On a point of order, Presiding Officer. Is it not the case that you are required to turn a blind ear only when singing occurs?

**The Deputy Presiding Officer:** I was about to say that I may have been able to make an obvious exception in this case, but Mr Ewing beat me to it.

17:43

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Presiding Officer, you should turn a deaf eye to the standing orders and allow Cathy Peattie to sing. Fergus Ewing, for all his talents, is no Cathy Peattie or Sheena Wellington.

**Mrs Margaret Ewing:** Thank goodness for that.

**Ian Jenkins:** At the risk of over-egging the haggis, I thank

"My lov'd, my honour'd, much respected friend"

David Mundell, with his "honest, sonsie face", for securing this debate today and allowing Parliament to pay tribute to the immortal memory of Robert Burns and the undying legacy that is his work.

It is 30 years almost to the day since I was first asked to propose the immortal memory at a formal Burns supper—the Peeblesshire Burns supper. After I had accepted, I was told that the speakers in the two previous years had been David Steel and Hugh MacDiarmid. I was so intimidated at that young age by the status of the people who had preceded me that I decided that I would have to be very clever and academic, so I did a great big study about Robert Burns and Henry Mackenzie, the man of feeling and all that kind of stuff. I bored the people to death—so much so that the



Peeblesshire Burns club folded afterwards and never had another Burns supper.

Robert Burns is indeed one of Scotland's truly international treasures, whose work appeals to readers of all ages, classes and nationalities. For example, although my father was not a bookish person, he loved Burns, particularly the wee out-of-the-way bits. When I became a teacher, he used to quote a poem about a teacher who would go to hell when he died. The poem runs:

"Here lie Willie Michie's banes:  
Oh Satan, when ye tak him,  
Gie him the schulin o your weans,  
For clever deils he'll mak them!"

He always said to me, "When you go to hell, you'll need to teach these weans."

One of my happiest Burns memories is a lunch that I attended at St Ronan's Primary School in Innerleithen. The youngsters went through the whole Burns supper procedure with tremendous energy and knowledge, on a spot where Burns spent a night during his Borders tour.

Last September, I had the privilege to speak at the formal dinner of the annual conference of the Robert Burns World Federation, which was held—I am happy to say—at the Peebles Hydro. I mentioned the event at St Ronan's school because it featured the kind of recitations of Burns and other Scottish verse that had been inspired by competitions sponsored by the federation. I also welcomed the conference in the full knowledge that the organisation was a massively important agency for taking a vital element of Scottish culture to all corners of the globe and for providing a hugely significant source of promotion for Scotland, its culture and traditions and the hospitality, conviviality and values that would draw admirers of Burns, their relatives and their friends to our shores and so boost our economy.

Throughout that meal, I sat beside Shirley Bell—to whom David Mundell has already referred—and agreed with her argument that the Robert Burns World Federation should be recognised as a positive, established organisation whose cultural work and role as an ambassador for Scotland deserved the support of the Scottish Parliament. This year's conference will be held in Atlanta, Georgia, where, incidentally, there is a replica of Burns's cottage. I wish the federation well in that conference and hope and believe that its activities will produce good results for us all in improving our knowledge of our culture and in ensuring that visitors return to Scotland. I hope to welcome the federation back to Peebles in the near future.

Of course I urge the Executive and the Scottish Tourist Board to push ahead in new directions. However, I hope that we can recognise Robert Burns's importance in our living culture and the

equal importance of building on our existing cultural assets.

People have taken Burns's words to heart across the world—"Auld Lang Syne" has been mentioned. When I used to teach "Of Mice and Men"—which was one of the best things I ever did—the kids were amazed to find out that the title came from the Burns poem "To a Mouse". Of course, members have also mentioned "A Man's a Man for a' that".

Robert Burns is the brightest star in our cultural firmament. When we are seeking new things, we must not forget the established culture and reputation that we can build on.

17:48

**Phil Gallie (South of Scotland) (Con):** I will begin with an example of Robert Burns's panache. He meant all things to all men. Fergus Ewing claimed Burns as a nationalist, but I refer Fergus to the Dumfries volunteers—that example undoubtedly shows Burns stressing his unionist interests. Furthermore, Burns supported a Tory candidate in Dumfries in a local council by-election. That demonstrates another point. Many members would quite rightly highlight Burns's socialist credentials. However, one of the things about Burns that we can proud of is that he means something different to each and every one of us.

I take issue with Cathy Jamieson. I am sure that Robert Burns would turn in his grave if he knew that Alloway had been taken out of the Ayr constituency at the previous election and put into Carrick, Cumnock and Doon Valley.

**Cathy Jamieson:** I want to give Mr Gallie some information. Alloway is indeed in my constituency, which covers part of Ayrshire. In those terms, Alloway is still in Ayr.

**Phil Gallie:** I take that point. Burns would probably turn in his grave at that as well.

**John Scott (Ayr) (Con):** I thank David Mundell for securing this debate and point out that what was true 225 years ago is still true:

"Auld Ayr, wham ne'er a town surpasses  
For honest men and bonie lasses".

I suggest that there should be a Burns supper in Ayrshire every night of the year. I would like the tourist board—with the help of colleagues from Ayrshire—to consider that suggestion.

**Phil Gallie:** I am sure that all members would agree with that. We welcome all Burns suppers in Ayrshire; at this time of year, there is one virtually every night of the week. Perhaps when we move into the tourist season, John Scott's suggestion could be taken up.

We are told that, 242 years ago, on the day on

which Robert Burns was born, the wind blew the end of the cottage in and the handseil disappeared. Some things never change. The weather in Ayrshire over recent months has been reminiscent of that day.

Ayrshire has produced many skilled and expert people—engineers, scholars, innovators and sportsmen—but none is identified on the worldwide scene so much as Robert Burns. No one else's birthday is celebrated the world over—with the exception of the celebration of Christmas—which says something about Robert Burns. Undoubtedly, Robert Burns is a great asset to Scotland, and our tourist industry will certainly ignore Scotland's interests if it does not maximise that asset.

I make a final suggestion. Prestwick airport has recently been taken over by a new local consortium. I wish it well. Perhaps it could start by renaming Prestwick international airport the Burns international airport.

17:52

**Dorothy-Grace Elder (Glasgow) (SNP):** I have much enjoyed this debate, which has lightened the atmosphere after the previous business.

I have many links with Burns. One cannot help but bump into Burns, wherever one goes in the world—the man is a megastar. In Scotland, we still do not fully appreciate just how big our global megastar is. Back in 1996, I thought that the celebrations for the Burns bicentennial year were going to be big. Even Pavarotti was going to come to Scotland. However, the organisers had a budget of peanuts and the man who was running the national Burns festival had only one phone in an office in Ayr. We must upgrade the way in which we treat Burns, in line with the great efforts of the enthusiasts.

There are more than 2,000 different books about Robert Burns. His work has been translated into more than 90 languages—the latest Chinese edition, in Mandarin, sold 180,000 copies in the first two days of publication. The traffic lights at pedestrian crossings in some Japanese cities play "Comin' Thro' the Rye". There are more than 1,500 statues of Burns throughout the world and 5,000 marble busts in libraries and public parks. No one else has had so many statues and busts made of them, apart from Columbus, the discoverer of the new world. Lenin used to be up there, but he is being pulled down all the time—and we are very grateful for that.

Touching moments come with Burns. The other night, in the Gorbals, I attended what I would call the multi-storey Saturday night. It was not intended to have the atmosphere of "The Cotter's Saturday Night", but that is exactly what it had.

Ordinary people were gathering together in a community flat in the Gorbals for the first Burns supper that they had ever organised. This beautiful cake—I invite members to see the love that has been put into it—was made for the occasion by Jean Sechaud and her friend Isobel McCue, who have started a charity there to help people to make cakes and fancy confectionery. We all really enjoyed ourselves. There was karaoke Burns as well—Burns a-go-go. He would have loved it, bless his heart. We must bring Burns to younger generations.

I have a quick anecdote about Russia and how Burns can touch people's hearts to this day. A couple of years ago, I was in a wood outside St Petersburg with a bunch of drunks. It was not a Parliamentary outing—we go to Inverness. The people in the wood were recovering alcoholics. I was interviewing them through an interpreter called Vladimir Thomson—I have not made up that name. I asked those chaps, who had all been in jail, how they first got into trouble. My banal question was tortuously interpreted into Russian to one young man. This lad, who did not otherwise speak a word of English, pushed away the interpreter. He looked straight at me and said:

"Inspiring bold John Barleycorn!  
What dangers thou canst make us scorn!"

There were tears in his eyes because he, who had no English and had been educated in a poor Russian state school, could communicate with me, who had little Russian, through Robert Burns—and he gave the perfect reply.

Presiding Officer, as a bit of good will today, after all the sniping that we have had this afternoon, I would like to present you with this cake, which you can share with the other Presiding Officers and especially with the long-suffering clerks.

**The Deputy Presiding Officer:** Thank you very much.

**Mr David Davidson (North-East Scotland) (Con):** On a point of order. As it is my birthday today as well, can I have a bit, please?

**The Deputy Presiding Officer:** I am not sure how many rules in the standing orders we have broken. I call Jamie Stone.

**Members:** Cheese!

17:57

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** When I was a child in the Highlands—and I am sure that this will also have been the case when Alasdair Morrison was a child—Burns suppers took place but not to a great extent. Since then, with the arrival of incomers from Glasgow and so on to build oil rigs and

suchlike, Burns suppers have taken off in my area and we now have many. My act, which I have performed for some years and which I keep being asked to do, is the toast to the lasses. I did one last week and Nancy Nicholson, the BBC agriculture broadcaster, gave the wittiest reply I have ever heard. She mangled me; she ate me up and spat me out. She was an object example to all the lasses.

**Mary Scanlon (Highlands and Islands) (Con):** Given that Mr Stone is so experienced in proposing the toast to the lasses, does he agree with what Burns wrote on the hand of nature in "Green Grow the Rashers":

"Her prentice han' she try'd on man,  
An' then she made the lasses, O?"

**Mr Stone:** As Mary Scanlon knows, I am keen on the lasses O and something of an aficionado. When giving the toast to the lasses some five years ago, I misjudged my audience, who were elderly people and who had had perhaps one quarter of a glass of sherry each. I told a joke about transplants—I shall go no further than that—and got 16 letters of complaint. I have never been asked back to that place.

Cheese was mentioned. Burns suppers are about food and fellowship. They are a reminder that we are all Jock Tamson's bairns. Fergus Ewing has rightly pointed out that, be the suppers in a village hall or in the Hilton, they are for everyone. What is particularly good about Burns suppers is that they are about food, fellowship, wit and laughter at one of the darkest times of the year, when we are all feeling a bit down and are looking forward to spring. They are good for us and put a spring in our step at a time when there might not otherwise be one.

**Fiona Hyslop (Lothians) (SNP):** I was brought up in Alloway and I am pleased to contribute to the debate. Burns should not be only about Burns suppers in January. The point has been made that we should make more of Burns throughout the year, particularly for children. I attended Alloway primary school, which has successfully promoted Burns.

**Mr Stone:** That is a fair point. We should look at it this way: if we can increase exports of whisky and haggis from places such as my constituency, that must be a good thing.

Fiona Hyslop is quite right. I look forward to the day when we have TV Burns suppers being eaten all year round. We heard a beautifully sung song from Fergus Ewing—although I would ask for notice of when he will sing again; the Presiding Officer has been presented with a delicious cake and we have heard about Mr Davidson's birthday. I therefore invite you, Presiding Officer, to come and have a glass of whisky with me and Mr

Davidson in Deacon Brodie's after the debate.

**The Deputy Presiding Officer:** In election times, I think that that is called treating.

18:00

**Dr Elaine Murray (Dumfries) (Lab):** I have a constituency interest to declare. Robert Burns lived the last few years of his life in Dumfries. Sadly, he passed away at the early age of 37, his death partly brought on by bathing in the Solway, which was apparently prescribed as a treatment for chest trouble. I am pleased that medical services in Dumfries and Galloway have improved significantly since then.

In the election to which Mr Gallie referred, the successful candidate's name was Murray. Although I may be the first female to represent Dumfries, I am not the first Murray to do so—which is rather surprising, given that Murray is not a Borders name.

David Mundell correctly referred to the work of the Robert Burns World Federation and of the individual Burns clubs in keeping alive the works of the poet. Burns lived in a time of great political and cultural change, and tasked himself with preserving for the appreciation of future generations many of the traditional Scottish songs and much of the music that might otherwise have been lost. To their great credit, the Burns societies and clubs have carried on that good work to ensure that successive generations of young Scots will enjoy the music and poetry of previous centuries.

Like many parents, I have been involved in rehearsals of Burns's poetry over the past few days. In the case of our family, it was the "Address to the Tooth-Ache". In these days of a McDonald's-oriented, predominantly transatlantic culture, it was a rare pleasure to share with my son something of lowland Scotland's traditional language and humour.

More than two centuries on, Burns speaks to us on universal subjects such as passion, loss, inequality, endurance, the environment and human weakness. In his countryside, his experiences and in his and his fellow man's frailty, we recognise our countryside, our experiences and our frailty. All politicians like to believe that Burns, had he been alive, would have been a supporter of their particular political party. I find much in his later works in particular—which were written in Dumfries—to support my notion that he was a socialist.

On that note, I cannot resist advertising the fact that the biggest Labour movement Burns supper takes place in Dumfries every year. It is organised by my constituency Labour party. This very

Saturday, we will be entertained in words and, I hope, in music by Cathy Peattie MSP. There may yet be a small number of tickets available.

**Mr Stone:** Can I come?

**Dr Murray:** You would be most welcome, Jamie.

Whatever Robert Burns's politics may have been, I am sure that he would have been pleased that "A Man's a Man for a' That", which was composed in Dumfries in 1795, was sung at the official opening of the Parliament—despite the fact that a parcel o' rogues like us went and joined in.

Two years ago, my daughter was charged with designing a poster to attract tourists to a Scottish town. She came up with the slogan, "Come to Dumfries—deathplace of Robert Burns", which, for whatever reason, has not yet been adopted by the area tourist board.

18:03

**Dr Winnie Ewing (Highlands and Islands) (SNP):** I thank David Mundell. This has been one of the jolliest moments that I have experienced in the life of the Parliament.

We have a phenomenon that belongs to us—a man who is respected and quoted from one end of the world to the other. I have been to some amazing Burns suppers around the world. Some in Tanzania, Hong Kong, Canada and America come to mind—not to mention all those that I have been to in Scotland.

Burns was not just a poet, of course. That is what is so appealing. He was also an historian. Some of his poems about history, including "The Lovely Lass of Inverness", are absolutely heart-rending.

**Mr Stone:** There she is, Winnie: it is Mary Scanlon.

**Dr Ewing:** He was also a humorist and a satirist—"Holy Willie's Prayer" is said to be one of the most brilliant pieces of satire ever written. It was Professor Daiches who said that. Burns was also a philosopher. There are hundreds of books that take their titles from Burns—"Of Mice and Men" is just one example. As has been said, he was also an egalitarian. I suggest that he was an internationalist and a nationalist.

Scratch any Scot, and you will find that he can recite Burns, and most can recite a lot. Most can sing some—like Fergus.

There are no Shakespeare suppers—why do we have the Burns supper phenomenon? I suggest that it is because Burns shared all his thoughts and opinions in his letters, so we are in no doubt about his thoughts on every subject and person. He was also a great romantic.

For the benefit of our heritage, he was a great song collector. All by himself, he was an unpaid school of Scottish studies. Apart from the hundreds of songs that he wrote, he collected hundreds more. He never charged for the songs that he collected. He said that they were either above or below price, and he would not take money for them. He collected with the greatest assiduity. He found fragments of "Scots, wha hae" all over Scotland and argued that it was the march played at Bannockburn, which it turns out was the case. It was also the march that was played when Joan of Arc entered Orléans, when it was called "La Marche des soldats écossais".

Burns was a most intellectual song collector, and we are the beneficiaries of the hundreds that he collected. I will not sing, although I think I sing as well as Fergus.

It has been suggested that Burns was not a nationalist. However, he wrote:

"O would, or I had seen the day  
That Treason thus could sell us,  
My auld grey head had lien in clay,  
Wi' Bruce and loyal Wallace!  
But pith and power, till my last hour,  
I'll mak this declaration;  
We're bought and sold for English gold  
Such a parcel o' rogues in a nation!"

18:07

**Cathy Peattie (Falkirk East) (Lab):** I had not intended to speak this afternoon, but I could not resist doing so. I thank David Mundell for this opportunity to celebrate Burns. It is great to have a cake, but it does not seem right to talk or sing about Burns without a dram.

I think that Burns was an internationalist and a socialist. I remember reading Maya Angelou describe how Burns inspired her as a child, growing up in deprivation in a racist part of America. She said that reading Burns and hearing his story gave her hope. It is special that someone such as Maya Angelou should say that.

There are Burns suppers all over the world. Like Fergus Ewing, I think that there is nothing wrong with a Burns supper. It is good to get folk together to sing and celebrate Burns.

I think that Burns had a great empathy for the working people, both men and women, of his time. People say, "Och, well, we know what Burns was like," but Cathy Jamieson is right: immediately I start to read Burns, I forget what I sat down to do, and then discover that it is 1 o'clock and I have not written anything. It is important that people should read Burns, as he had great empathy for people and their struggle.

With permission, I will sing a few lines from a couple of songs. In "Ye banks and braes", Burns

shows empathy for a young woman who had been desperately in love with a young man and has been left with a thorn—a babbie. The woman is chastised by her family and all the folk in the community. When I learned “Ye banks and braes” when I was growing up, I thought that it was a jolly wee song, but when one thinks about it, one realises how special it is.

“Ye banks and braes o’ bonie Doon,  
How can ye bloom sae fresh and fair?  
How can ye chant, ye little birds,  
And I sae weary fu’ o’ care!  
Thou’ll break my heart, thou warbling bird,  
That wantons thro’ the flowering thorn:  
Thou minds me o’ departed joys,  
Departed never to return.”

There are a lot of songs like that one in Burns’s book.

Like Winnie Ewing, for me the greatest celebration of Burns is what he has done for Scots and traditional music. There are more than 300 songs in the books and there are different versions of those songs in different parts of the country. They exist because Burns travelled around the country, gathering songs and pulling them together—from this ane and that ane; for this tune and that tune. He gave them life, and we hold on to them.

When we consider what is happening in our schools, it is important that we remember that those traditional songs are significant. They were not written for folk such as Pavarotti, as they were not meant to sound like something from an opera. They were people’s songs and songs for people to sing.

Let us go back to Burns’s politics. Burns hated hypocrisy, and my favourite verse is “Thanksgiving for a National Victory”:

“Ye hypocrites are these your pranks?  
To murder men, and give God thanks?  
Desist for shame and go no further;  
God won’t accept your thanks for murder!”

Any socialist would have been delighted to be in the chamber when the wonderful Sheena Wellington sang at the opening of the Parliament. I cannot leave this evening without singing the last verse of “For a’ that and a’ that”. If we had some drams and all night, we could sing all Burns’s songs.

“Then let us pray that come it may,  
As come it will for a’ that,  
That Sense and Worth, o’er a’ the earth  
Shall bear the gree, and a’ that  
For a’ that, and a’ that,  
It’s comin yet for a’ that,  
That Man to Man the warld o’er,  
Shall brothers be for a’ that.”

Let us hope that we keep celebrating Burns and that we encourage every bairn and everyone else in Scotland to celebrate him, not just on 25

January but throughout the year. [*Applause.*]

**The Deputy Presiding Officer:** Before I call the minister to wind up the debate, I thank those members who spoke in the debate for the inspiration that they have given me. If I tell you that I am replying to a toast to the lassies that is to be proposed by our colleague Frank McAveety, you will understand why I need the inspiration.

I call Allan Wilson.

**Mr Stone:** Will the minister give us a song?

18:13

**The Deputy Minister for Sport and Culture (Allan Wilson):** In all seriousness, I do not think that I could follow Cathy Peattie. I have no cake, either.

**The Deputy Presiding Officer:** Next time.

**Allan Wilson:** It might have been misinterpreted as an attempt to curry favour with members. [*Laughter.*] Members will get there eventually.

I congratulate David Mundell and the other members who have spoken in what must have been the best debate in the Parliament to date. I also welcome Shirley Bell back to the Parliament.

It is apt that we discuss Burns on this particular night, when many thousands of his admirers throughout the world sit down to pay tribute to his memory. His works, which have been so extensively and so eloquently quoted by members during the debate, have been enormously influential in the development of Scotland’s cultural heritage. A number of members made the point that his works have been central to the formation of our identity and of Scotland’s image throughout the world. Dorothy-Grace Elder remarked that they have been translated into 90 languages; they were also translated into Gaelic by the late, great Rev Roderick Macdonald.

The mark of a great poet is that he is not just of his own time and place but captures the imagination of people in many times and in many places. No other poet has captured the hearts and minds of people from all walks of life, across all classes of society and in all parts of the globe, as Robert Burns has done. Tonight, thousands of people—not just expatriate Scots but myriad nationalities such as Russian and Japanese—will toast his immortal memory.

Many of those people will be members of the Robert Burns World Federation, which, as members have heard, has more than 80,000 members throughout the world in more than 300 affiliated clubs. I congratulate the federation on the admirable work it carries out, in the celebration of Burns’s memory and achievements and in the study of Scotland’s literature and language. I

certainly recognise the need to help the federation.

Much, of course, has already been done to support Burns's legacy. The Association for Scottish Literary Studies, funded by the Scottish Arts Council, has recently announced a new children's creative writing competition, which will be run jointly with the Burns federation. The competition is open to pupils in S1 and S2 and the first awards are to be made this spring.

Many members will have read *The Herald* magazine article about James Cosmo's plans to make a film about Burns's life. It was Fergus Ewing, I think, who made a reference to the film, which is one of a number of film projects being monitored by Scottish Screen. I understand that Scottish Screen has already had informal discussion to see how it might best be able to assist. I am scheduled to meet James Cosmo after the initial discussion that we had at the Scottish BAFTA—British Academy of Film and Television Arts—awards last month, to try to make progress with the project.

**David Mundell:** Name-dropper!

**Allan Wilson:** There is a vacancy for the lead part. David Mundell will be welcome to audition.

We have also recognised Burns's undoubted appeal to Scotland—

**Ian Jenkins:** Sorry, minister, but when you meet James Cosmo, could you tell him that his old English teacher was asking for him.

**Allan Wilson:** Not that Ian Jenkins is name-dropping or anything.

**Dorothy-Grace Elder:** I am appreciating the minister's speech. I hope, as he moves in such starry circles, that he is not going to cast Madonna as Jean Armour.

**Allan Wilson:** I think that we will leave the casting to the professionals.

Last year, the new tourism action plan for Scottish Enterprise Ayrshire identified Burns as a brand icon that should be developed. That will be integrated into the board's business plan, the new Ayrshire and Arran tourism strategy and the service level agreement. I think that that was a reference to the double act of the Jamiesons—Cathy and Margaret—behind me.

Those are important initiatives and opportunities on which we must build. Alasdair Morrison and I realise that we cannot rest on our laurels. We have already met David Mundell and Shirley Bell. Only this week, we have discussed how we might work together to help the federation to continue its excellent work and to make the most of the opportunities that its worldwide membership affords. As a result of that meeting, Alasdair and I are looking at ways in which we can help the

federation to access business advice and support from the enterprise networks.

I have said that I recognise the case for supporting the international Burns federation. I am determined that the few individuals who have, for many years, carried that federation are assisted. It makes eminent sense that the Executive assists in a way that benefits Scotland as well as the federation.

I have to correct David Mundell on the [visitscotland.com](http://visitscotland.com) website, which I printed off before this debate. It has links to more than 16,000 ideas for holidays in Scotland, 8,500 places to stay and 2,500 events to choose from.

I make this pledge to David Mundell and all the members who have stayed on tonight: Alasdair Morrison and I are determined that this debate will not be like the snowflake in the verse that David quoted from "Tam o' Shanter". Our commitment will not be ephemeral. It will not be here today and gone tomorrow, but will be part of a determined process to recognise the bard's unique contribution not only to our cultural heritage but to our contemporary economy. So watch this space for future announcements.

*Meeting closed at 18:19.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Thursday 1 February 2001**

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

#### PRICES AND SUBSCRIPTION RATES

##### DAILY EDITIONS

*Single copies: £5*

*Meetings of the Parliament annual subscriptions: £500*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

*Single copies: £3.75*

*Special issue price: £5*

*Annual subscriptions: £150.00*

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

**The Stationery Office Bookshop**  
**71 Lothian Road**  
**Edinburgh EH3 9AZ**  
**0131 228 4181 Fax 0131 622 7017**

**The Stationery Office Bookshops at:**  
123 Kingsway, London WC2B 6PQ  
Tel 020 7242 6393 Fax 020 7242 6394  
68-69 Bull Street, Birmingham B4 6AD  
Tel 0121 236 9696 Fax 0121 236 9699  
33 Wine Street, Bristol BS1 2BQ  
Tel 01179 264306 Fax 01179 294515  
9-21 Princess Street, Manchester M60 8AS  
Tel 0161 834 7201 Fax 0161 833 0634  
16 Arthur Street, Belfast BT1 4GD  
Tel 028 9023 8451 Fax 028 9023 5401  
The Stationery Office Oriel Bookshop,  
18-19 High Street, Cardiff CF12BZ  
Tel 029 2039 5548 Fax 029 2038 4347

**The Stationery Office Scottish Parliament Documentation**  
**Helpline may be able to assist with additional information**  
**on publications of or about the Scottish Parliament,**  
**their availability and cost:**

**Telephone orders and inquiries**  
**0870 606 5566**

**Fax orders**  
**0870 606 5588**

**The Scottish Parliament Shop**  
**George IV Bridge**  
**EH99 1SP**  
**Telephone orders 0131 348 5412**

[sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers